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CORRIGENDUM

of 22.3.2023

to the COMMUNICATION TO THE COMMISSION - COMMUNICATION FROM COMMISSIONER GENTILONI TO THE COMMISSION IN AGREEMENT WITH EXECUTIVE VICE-PRESIDENT DOMBROVSKIS on the positive preliminary assessment of the first payment request of the Republic of Austria pursuant to Regulation (EU) 2021/241 [C(2023) 1727]

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The annex shall read as follows:

22 March 2023

Positive preliminary assessment of the satisfactory fulfilment of milestones and targets related to the first payment request submitted by Austria on 22 December 2022, transmitted to the Economic and Financial Committee by the European Commission

Executive summary

In accordance with Article 24(2) of Regulation (EU) 2021/241, on 22 December 2022, Austria submitted a request for payment for the first instalment of the non-repayable support by the required management declaration and summary of audits.

To support its payment request, Austria provided due justification of the satisfactory fulfilment of the 44 milestones and targets of the first instalment of the non-repayable support, as set out in Section 2(2) of the Council Implementing Decision of 13 July 2021 on the approval of the assessment of the recovery and resilience plan for Austria[1].

For 3 targets covering a large number of beneficiaries, in addition to the summary documents and official listings provided by Austria, Commission services have assessed a statistically significant sample of individual files. The sample size has been uniformly set at 60 which corresponds to a confidence level of 95% or above in all cases.

Upon receipt of the payment request, the Commission has assessed on a preliminary basis the satisfactory fulfilment of the relevant milestones and targets. Based on the information provided by Austria, the Commission has made a positive preliminary assessment of the satisfactory fulfilment of all 44 milestones and targets.

The milestones and targets positively assessed as part of this payment request demonstrate significant steps in the implementation of Austria's Recovery and Resilience Plan. This includes, among others, reforms in the area of energy efficiency, clean mobility, digitalisation, public administration, skills and education, as well social and labour market policy, among others. The milestones and targets also confirm progress towards the completion of investment projects related to delivery of digital devices to pupils, exchange oil and gas heating systems, community nurses as wells as digital and green transformation.

[1] Council Implementing Decision of 13 July 2021 on the approval of the assessment of the recovery and resilience plan for Austria (10159/21; 10159/21 ADD 1; 10159/ COR 1), not yet published.

By the transmission of this positive preliminary assessment and in accordance with Article 24(4) of Regulation (EU) 2021/241, the Commission asks for the opinion of the Economic and Financial Committee on the satisfactory fulfilment of the relevant milestones and targets.

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Number: 3	**Related Measure: 1.A.2 Exchange of oil and gas heating systems**		
Name of the Target: Replacement of heating systems			
Quantitative Indicator: Number	**Baseline:** 0	**Target: 6 360**	**Time:** Q4 2021

Context:

The measure aims to increase the share of heating systems based on renewable energy in residential buildings, and thus reduce heating-related energy consumption, greenhouse gas emissions, and air pollution. The investment consists of a support scheme for private individuals to replace fossil-fuel heating system with biomass-based heaters, heat pumps or connectors to district heating.

The target requires that at least 6 360 projects of replacement of heating systems have been implemented and audited. Target 3 is the first step of the implementation of the investment, and it will be followed by the target 4 and target 5, which require that in total 15 900 and 31 800 projects of replacement of heating systems have been implemented and audited by 31 December 2023 and 30 June 2026 respectively. The investment measure has a final expected date for implementation on 30 June 2026.

Evidence Provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the target requirements (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID Annex) have been satisfactorily fulfilled;
ii. A datasheet (*04_Stichprobenliste KPC.xlsx*) that contains a list of 6 360 implemented and audited projects, including an anonymized identifier of final recipients, basic specification of the type of the original and of the newly installed heating system, a calculation of the average energy savings for each project;
iii. 60 separate project evidence files, which contain for each project: application number, full name and address of the private individual, basic technical specification of original and the newly installed heating system, copy of the internal verification check-list certifying the project as eligible, copy of the grant agreement, documentary evidence certifying the full name of the private individual.

The authorities also provided:

iv. Information sheet quit oil and gas on the funding scheme for the replacement of heating systems for private households (*Informationsblatt Raus Aus Öl und Gas für Private (Version 9/2022))* issued by the Ministry of Climate Action (hereinafter referred to as "*BMK*") and the implementing agency *Kommunalkredit Public Consulting* (hereinafter referred to as *KPC*);
v. Methodology regulation on the calculation of energy savings (*Verallgemeinerte Methoden zur Bewertung von Energieeffizienzmaßnahmen,* dated 29 June 2016) according the EU Energy Efficiency Directive (2012/27/EU);
vi. Guidelines on energy savings and thermal insulation issued by the Austrian Institute for Building Technology OIB in April 2019 (*OIB Richlinie 6 – Energieeinsparung und Wärmeschutz*, OIB-RL-330.6-026/19).

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the target.

At least 6 360 projects of replacement of heating systems have been implemented and audited.

As part of the national funding programme quit oil and gas (*Raus aus Öl und Gas*) launched on 09 February 2021, BMK has subsidised the replacement of a fossil heating system with the following renewable heating systems.

The information sheet quit oil and gas submitted as evidence defines the grant application as a two-step process: firstly, interested households needed to register and secondly, they needed to submit an application, including the final invoice issued after the replacement of heating systems has been completed.

The Austrian authorities provided a datasheet *04_Stichprobenliste KPC.xlsx* which contains a list of 6 360 implemented and audited projects of replacement of heating systems. The list includes anonymised identifiers of final recipients, basic specification of the type of the original and of the newly installed heating system, and a calculation of the average energy savings for each project as well as the total average energy savings of all implemented projects.

Based on the list of recipients provided by the Austrian authorities, the Commission has drawn a list of 60 projects as samples. In line with the Operational Arrangements for this target, the Austrian authorities provided as additional evidence for the selected samples, 60 separate project evidence files. Each project evidence file contains the following evidence for each project:

- application number,
- full name and address of the private individual,
- basic technical specification of the original heating system and the newly installed heating system,
- copy of the internal verification checklist certifying the project as eligible,
- copy of the grant agreement with unique identifier of the private individual,
- local residence registration or passports certifying the full name of the private individual.

The analysis of the 60 project evidence files established that all 60 projects contained full name and address of the private individual benefiting for the grant. As required, for each project, the full name of the private individuals has been certified (on page 7 and/or page 8 of the project evidence file) in 58 cases by a copy of the local residence registration form and two cases by a copy of passport.

The analysis of the 60 verification checklists (page 4 of the project evidence file) established that each out of the 60 projects was audited by an internal verification procedure carried out by an employee of the implementing agency. The verification covered aspects of eligibility, identity of private individuals (applicants), risk of double funding as well as checks of the final invoice, proving that the project was correctly implemented.

i. Furthermore, in line with the description of the measure in the Council Implementation Decision Annex stipulating that the investment consists of a support scheme for private

individuals to replace fossil-fuel heating system with biomass-based heaters, heat pumps or connectors to district heating, with the objective to increase the share of heating systems based on renewable energy in residential buildings, and thus reduce heating-related energy consumption.

Page 2 of the information sheet quit oil and gas stipulates the following renewable heating technology as eligible: two categories of district heating (climate-friendly or highly efficient, the latter being superior), biomass fueled heaters and heat pumps. Page 2 of the information sheet quit oil and gas also defines which old heating technologies are deemed fossil and thus eligible for replacement (oil, gas, coal, all burners, electric night heaters or direct storage heaters).

The datasheet *04_Stichprobenliste KPC.xlsx* contains for each of the 6 360 implemented projects information on the type of the original and of the newly installed heating system.
The analysis established that 6 360 old heating systems (1 145 fuelled by coal, 4 450 by oil, 134 by LNG, 489 natural gas, 13 by fossil district heating, 130 by electric heating) were replaced by renewable heating technology: 4 075 by biomass heating systems, 332 by climate-friendly or high-efficient district heating, and 1 953 by heat-pumps.
The analysis of the 60 selected samples established that 60 old heating systems (46 fuelled by oil, 10 by coal, 3 by gas, 1 electric heating) were replaced by renewable heating technology: 37 by biomass heating systems, 3 by climate-friendly or high-efficient district heating, by 20 heat-pumps.

As indicated in response to a request for clarifications correspondence, Austrian authorities explained that the funding programme deems old electric heating systems as fossil heating technology that is eligible to be replaced by a renewable one. In the context of the Austrian electricity mix, electric heating systems have a CO2 factor (227 g/kWh) that is comparably high as heating systems based on natural gas (247 g/kWh). This is further substantiated, on page 11 in section 7 of the Guidelines on energy savings and thermal insulation (OIB-RL-330.6-026/19) issued by the Austrian Institute for Building Technology OIB, which have been submitted as documentary evidence. Based on the analysis of the additional information provided, Commission considers Austria's explanations sufficient and, in the context of this measure, agrees with the classification of old electric heating systems as fossil heating technology.

For each of the 6 360 implemented and audited projects, the datasheet *04_Stichprobenliste KPC.xlsx* indicates the average energy savings calculated according to the Methodology on the calculation of energy savings. The methodology, documented by the evidence (*EEffG 2014_MethodenVO_Anlage_1.pdf*), is related to the Federal law on increasing energy efficiency at companies and the federal government as published in the Official Journal no. 72/2014 (*Bundesgesetz über die Steigerung der Energieeffizienz bei Unternehmen und dem Bund veröffentlich im Bundesgesetzblatt Nr. 72/2014*), which transposed the EU Energy Efficiency Directive (2012/27/EU).

As not all data inputs of the calculation were known to the implementing agency, default values of energy savings in residential buildings were used in line with the methodology to determine the average energy saving for each specific renewable heating technology.

The values of the average energy savings per project range from 9 894 to 25 972 kWh per year. The datasheet contains also information on the total average energy savings for all 6 360 implemented projects (96 057 474 kWh per year).

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 11	**Related Measure: 1.B.2 Introduction of 1-2-3 climate ticket**
Name of the Milestone: Entry into force of law	
Qualitative Indicator: Provision in the law indicating the entry into force of the law on the introduction of the climate ticket	**Time:** Q3 2021

Context:

The objective of this reform is to facilitate sustainable public transport between regions by creating a reasonably priced, simple and consistent ticketing offer. The reform consists of developing a flat-rate season ticket, valid across regions in Austria, with the aim to lower the costs and incentivise the use of public transport.

This milestone consists of the entry into force of the legal basis for the introduction of the climate ticket. This shall prescribe a general rule for setting maximum tariffs in accordance with Regulation (EC) No 1370/2007 on public transport passenger services that sets out conditions under which transport operators can be compensated or given exclusive rights by public authorities to provide transport services which are in the public interest but would otherwise not be commercially viable. The legal text shall equally include a provision indicating the entry into force of the law, and define the territorial, traffic, personal and temporal scope, and the price of the 1-2-3 climate ticket.

This is the first milestone of the measure. A complementary milestone 12 assessed as part of this payment request aims at ensuring the availability of all the regional categories of the 1-2-3 ticket. The reform has a final expected date for implementation in Q3 2021.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. A summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled;
ii. Copy of the publication of the 'Federal Act on the introduction of the climate ticket' in the Official Journal on 14 April 2021 (B*undesgesetz über die Errichtung einer One Mobility GmbH und Bundesgesetz über die Einführung des Klimatickets*);
iii. Federal Act on the introduction of the climate ticket (3*63. Verordnung: Einführung des Klimatickets*);
iv. Amendment to the Federal Act on the introduction of the climate ticket (*122. Verordnung: Änderung der Verordnung über die Einführung des Klimaticket*).
v. Copy of the publication of the 'General Terms and Conditions for the Purchase of the Climate Ticket' in the Official Journal on 18 August 2021 (*363. Verordnung:, Einführung des Klimatickets, Beilage 1: Allgemeine Geschäftsbedingungen für den Kauf des KlimaTickets*)

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The 'Federal Act on the introduction of the climate ticket has entered into force.

The 'Federal Act on the introduction of the climate ticket' (hereinafter referred to as the "Act") has entered into force on 15 April 2021 as specified in Article 2 (7) thereof and has been published in the Official Journal on 14 April 2021.

The law shall prescribe a general rule for setting maximum tariffs in accordance with EU Regulation No 1370/2007.

The Act prescribes a general rule for setting maximum tariffs in accordance with Regulation (EC) No. 1370/2007**.** This follows from Article 9, which states that the provisions of the Annex to Regulation (EC) No. 1370/2007 shall be complied with. The details of the rule are presented in Article 6(3) *(*this provision effectively rules out an overcompensation), Article 6(4) (this provision effectively rules out any compensation to the transport service provider by the competent authority having mandated the provision) and Article 9(1) and (2) (these provisions are in line with the requirements of Article 3 (2) of Regulation (EC) No. 1370/2007 stating that *"public service obligation which aim at establishing maximum tariffs for all passengers or for certain categories of passenger may also be the subject of general rules (…) the competent authority shall compensate the public service operators for the net financial effect, positive of negative, on costs incurred and revenues generated in complying with the tariff obligations established through general rules in a way that prevents overcompensation.")*

Therefore, the Act establishes a rule for setting maximum tariffs for the climate ticket duly respecting Regulation (EC) No. 1370/2007, and an overcompensation is not possible due to the provision of Article 9 of the 'Federal Act on the introduction of the climate ticket'.

The law shall define the territorial, traffic, personal and temporal scope, and the price of the 1-2-3 climate ticket.

The law defines the territorial, traffic, personal and temporal scope, and the price of the 1-2-3 climate ticket**.** This follows from the following sections of the Amendment of the Act:

- **Territorial scope**: Article 2 of the 'Federal Act on the introduction of the climate ticket' states that the law applies to all railway companies in Austrian territory.
- **Traffic scope:** Article 2 of the 'Federal Act on the introduction of the climate ticket' states that the law applies to all scheduled public passenger transport services provided commercially by passenger transport companies on Austrian territory, to which the tariffs of an Austrian railway company. Article 3 covers the exceptions, namely transport services not provided on public railways or that exclusively fulfil a feeder function to a multimodal transport hub.
- **Personal scope:** Article 4(1) of 'General Terms and Conditions for the Purchase of the Climate Ticket', published in the Official Journal on 18 August 2021 states that the *Klimaticket* may only be used by the ticket holder and is not transferable. The ticket is issued under the name of the holder as specified at the time of booking. Family entitles the holder of the Ticket to make use of transport services, both alone and in the company of up to four children aged 6 to 14.
- **Temporal Scope:** Article 4(2) of the 'General Terms and Conditions for the Purchase of the Climate Ticket', published in the Official Journal on 18 August 2021 states that the tickets is valid from the order date, which is printed on the tickets, and ends after 12 months with the expiry date, also printed on the ticket.
- **Definition of the prices:** The price of the climate ticket was defined in the 'General Terms and Conditions for the Purchase of the Climate Ticket', published in the Official Journal on 18 August 2021. All categories of the 1-2-3 climate ticket can be found on page 10 (Anhang 3, *Ticketpreise*). The climate ticket is available for purchase in the online distribution platform and ticket counters as shown in related milestone 12, with a flat-rate season cost of EUR 1095 per year, with special discounts available for some target groups such as youths, seniors, disabled people, and families. The regional climate tickets cost between EUR 363 and EUR 600 per year (depending on the size of the region/federal state) and the same special

	discounts are available as with the national ticket. This constitutes an incentive to the use of public transport thereby facilitating the use of sustainable mobility between regions, in line with the requirements of the CID.
Commission Preliminary Assessment: Satisfactorily fulfilled	

Number: 12	**Related Measure: 1.B.2 Introduction of 1-2-3 climate ticket**
Name of the Milestone: Introduction of 1-2-3 climate ticket	
Qualitative Indicator: The first 1-2-3 climate tickets shall be introduced on the market.	**Time:** Q4 2021

Context:

The objective of this reform is to facilitate sustainable public transport between regions by creating a reasonably priced, simple and consistent ticketing offer. The reform consists of developing a flat-rate season ticket, valid across regions in Austria, with the aim to lower the costs and incentivise the use of public transport. The implementation of the measure started on 30 September 2021 and was completed by 31 December 2021 for the national and/or regional climate ticket category. All 1-2-3 tickets are expected to be available beyond 2021.

This milestone covers the introduction of the first 1-2-3 climate tickets on the market. National and/or regional tickets are available for customers to buy and use.

This is the second milestone of the measure. An earlier milestone 11 that is part of the same payment request, aimed at introducing the legal basis for the climate ticket through publication in the Official Journal.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. M12_summary_document.doc: a summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled
ii. 01_Annex_M12_Confirmation climate ticket availability.pdf: a written confirmation from 4 July 2022 by the Ministry for Climate Action (BMK) proving that national and/or regional categories of the 1-2-3 climate ticket are available for customers to buy and use.
iii. Copy of the publication of the 'Federal Act on the introduction of the climate ticket' in the Official Journal on 18 August 2021.;
iv. Links to the online distribution platforms for the climate ticket:

- https://www.klimaticket.at/en/
- https://tickets.vvt.at/de/ticket?tabIndex=2
- https://www.vmobil.at/tickets/jahreskarte-bestellen
- https://salzburg-verkehr.at/klimaticket-salzburg/
- https://ofgm.ooevv.at/
- https://www.kaerntner-linien.at/tickets-tarife/kaerntenticket/
- https://www.verbundlinie.at/tickets/verbundfahrkarten/klimaticket-steiermark
- https://www.vor.at/tickets/jahreskarteklimaticket/
- https://www.wienerlinien.at/jahreskarte

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

In particular:

National and/or regional categories of the 1-2-3 climate tickets are available for customers to buy and use. This follows from the written confirmation by the Ministry for Climate Action (BMK) proving that national and regional categories of the 1-2-3 climate ticket have been made available to the public, along with links to the following online distribution platforms:

- National: https://www.klimaticket.at/en/
- Vorarlberg: https://tickets.vvt.at/de/ticket?tabIndex=2
- Tirol: https://www.vmobil.at/tickets/jahreskarte-bestellen
- Salzburg: https://salzburg-verkehr.at/klimaticket-salzburg/
- Oberösterreich: https://ofgm.ooevv.at/
- Kärnten: https://www.kaerntner-linien.at/tickets-tarife/kaerntenticket/
- Steiermark: https://www.verbundlinie.at/tickets/verbundfahrkarten/klimaticket-steiermark
- Ostregion: https://www.vor.at/tickets/jahreskarteklimaticket/
- Wien: https://www.wienerlinien.at/jahreskarte

The regional categories of the 1-2-3 climate ticket available for purchase in the provided online distribution platforms are a flat-rate season ticket valid across the country with a cost of EUR 1095 per year, with special discounts available for some target groups such as youths, seniors, disabled people and families. The regional climate tickets cost between EUR 363 and EUR 600 per year (depending on the size of the region/federal state) and the same special discounts are available as with the national ticket. This constitutes an incentive to the use of public transport thereby facilitating the use of sustainable mobility between regions.

Furthermore, in line with the description of the measure, the implementation of the measure is expected to start by 30 September 2021 and shall be completed by 31 December 2021 for the national and/or regional climate ticket category. All 1-2-3 tickets are expected to be available beyond 2021.

This has been achieved with the entry into force of the Federal Act on the introduction of the climate ticket on the 15 April 2021 (publication in the Official Journal on 14 April 2021) and the subsequent start of the sale of the Austria-wide climate ticket on 1st October 2021 and the start of the last regional climate tickets by 31 December 2021. The evidence 01_Annex_M12_Confirmation climate ticket availability.pdf, which is a written confirmation issued by the Ministry for Climate Action (BMK) on 4 July 2022 proving that national regional categories of the 1-2-3 climate ticket are available for customers highlights that the climate ticket is available beyond 2022.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 17	**Related Measure: 1.B.4. Zero-emission utility vehicles**
Name of the Milestone: Launch of the support programme	

Qualitative Indicator: Launch of the support programme for zero emission utility vehicles and their charging infrastructure e-mobility offensive 2021 (*E- Mobilitätsoffensive 2021*) for companies.	**Time:** Q1 2021

Context:

The measure aims to lower the emissions from transport by increasing the share of zero-emission commercial vehicles. Consequently, to increase incentives to make the transition to zero-emission vehicles, support programmes are launched in order to make zero-emission vehicles more affordable.

Milestone 17 concerns the launch of the support programme. The milestone requires that businesses and other business organisations, public authorities, and associations are enabled to consult all necessary documents and to submit their applications (through the Settlement Office's digital submission portal). Eligible projects shall include zero-emission utility vehicles and the infrastructure to operate these vehicles.

Milestone 17 is the first step in the implementation of the investment and it will be followed by two milestones and one target: milestone 18, target 19, and milestone 20. Milestone 18 requires that the last call for expressions of interest has been completed by 31 December 2024. Concerning the accompanying funding scheme as of 2022 according to the second paragraph in the description of the measure as per Council Implementing Decision Annex, that scheme is part of milestone 18. Target 19 sets the quantitative goal for grant agreements for utility vehicles with zero-emission technology at a minimum of 2 767 by 30 June 2026, while milestone 20 requires that the necessary charging infrastructure for at least the same number of vehicles and deadline has been installed by recipients. The investment has a final expected date for implementation on 30 June 2026

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the requirements of the milestone (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the Council Implementing Decision Annex) have been satisfactorily fulfilled;
ii. a copy of the website of the funding management office showing the launch of all support programmes (*Ausschreibungen - Klima- und Energiefonds - Klima- und Energiefonds*);
iii. a copy of the funding guidelines e-mobility industry (*E-Mobilität Gewerbe 2021*) setting out the conditions for a successful application for grants.

The authorities also provided:

i. Fact sheet e-mobility offensive *(Faktenblatt E-Mobilitaetsoffensive 2021) and FAQ for the e-mobility offensive (FAQ E-Mobilitaetsoffensive 2021):* a factsheet regarding funding offers under the e-mobility offensive (*Emobilitätsoffensive 2021)* as well as the associated Frequently Asked Questions;
ii. *Contractual* general conditions for the mobility allowance *(Mobil Pauschalen allgemeine Vertragsbedingungen*) : funding agreement terms regarding the sole use of renewable energy for the vehicles and infrastructure;
iii. Frequently Asked Questions for other businesses *(FAQ Betriebe sonstige 2021)*: further information regarding the specific funding conditions and requirements in the form of Frequently Asked Questions;

iv. Copy of the funding management website for small busses and light electronic utility vehicles (*Websitekopie Förderungsaktion Elektro-Nutzfahrzeuge für Betriebe Umweltförderung Kommunalkredit Public Consulting*) and charging infrastructure(*E-Ladeinfrastruktur Umweltförderung Kommunalkredit Public Consulting)*: a copy of the funding management office website on utility vehicles as well as on charging infrastructure for companies;

v. Special directive and procurement documents for the transition to clean buses *(Sonderrichtlinie zur Förderung der Umstellung auf emissionsfreie Busflotten im öffentlichen Personenverkehr)* and call for tender guide (*Emissionsfreie Busse und Infrastruktur Ausschreibungsleitfaden – 2. Ausschreibung 2022)*: detailed information regarding the specific funding conditions and requirements for busses in public transport

Analysis:
The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The support programme has been launched.
The programme was launched on 10 February 2021 according to the copy of the website of the funding management office. The aim of the programme is the support of payment of zero-emission utility vehicles and their charging infrastructure.

It shall enable businesses and other business organisations, public authorities, and associations to consult all necessary documents and to submit their applications (through the Settlement Office's digital submission portal).
The guidelines e-mobility industry 2021 (*E-Mobilität Gewerbe 2021*) set out the conditions for an application under this programme and define that all businesses, other entrepreneurial organisations, associations, religious institutions, and public authorities are eligible to submit applications. Furthermore, applications can only be submitted via the Settlement Office's digital submission portal as set out in the funding guidelines. Furthermore, the screenshot of the website of the funding management office link to all online available and necessary forms.

Eligible projects shall include zero-emission utility vehicles and the infrastructure to operate these vehicles.
Page 11 and page 12 of the guidelines e-mobility industry (*E-Mobilität Gewerbe 2021)* list all eligible vehicles, including commercial vehicles. Only zero-emission utility vehicles and charging infrastructures to operate these vehicles are supported by the support programme. Furthermore, the necessary infrastructure also has to be installed. Pages 8 and 9 of the guidelines e-mobility industry (*E-Mobilität Gewerbe 2021)* indicate that for the application for funding proof of purchase of vehicle as well as the necessary infrastructure (including installation) are required.

Furthermore, in line with the description of the measure, the objective of this investment is to lower the emissions from transport by increasing the share of zero-emission commercial vehicles, and the vehicles shall be operated with renewable energy.

The increase in the share of zero-emission vehicles is achieved by limiting the eligible set of vehicles for funding to zero-emission commercial vehicles, as elaborated above. Page 2 of the guidelines e-mobility industry (*E-Mobilität Gewerbe 2021)* stipulate that the measure is an important step to make electric and zero-emission commercial vehicles more affordable compared to vehicles based on fossil energy, and therefore, to substitute the latter with the former.

Regarding charging infrastructure, pages 8 and 9 of the guidelines e-mobility industry (E-*Mobilität Gewerbe 2021)* indicate that for the application proof of use of electricity from exclusively renewable energy sources is required.
Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 21	**Related Measure: 1.B.5. Construction of new railways and electrification of regional railways**
Name of the Milestone: Ongoing construction project	
Qualitative Indicator: Start of construction of Lavanttal railway station	**Time:** Q1 2020

Context:

The objective of this measure is to improve the Trans-European Network along the Baltic-Adriatic Core-Network Corridor and the intra-regional connectivity in Austria through public transport. This will be achieved by the construction of a new railway line and linking it with an existing regional railway line. Moreover, the electrification of existing railway lines is part of this measure. This measure consists of three consecutive interrelated milestones.

Milestone 21 concerns the start of the construction work of a new railway station ('Lavanttal railway station') along the regional railway line. The new railway station shall allow a link between the regional railway lines 'Koralmbahn' and 'Lavanttalbahn'.

Milestone 21 is the first step of the implementation of the investment 1.B.5 and it will be followed by milestones 22, related to the putting into operation of the 'Lavanttal railway station' and electrification of regional railway line, and 23, related to putting into operation of the 'Koralmbahn' railway line. The investment has a final expected date for implementation on 31 August 2026.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. A **summary document** duly justifying how the requirements of the milestone (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID annex) have been satisfactorily fulfilled;
ii. Copy of the entry into the construction book ("01-construction-book-entry-63908a390f98e.pdf") dated 2 March 2020 and signed by the contractor "Kostmann GesmbH / Zentrale" and the on-site supervisory authority "ARGE IGT/ iC / Laabmayr" (Örtliche Bauaufsicht);
iii. Copy of the map ("02-folder-63908a3a70948.pdf") showing the location of the construction work of the "Lavanttal railway station" in Austria between St.Andrä and Aich;

The authorities also provided:

i. Copy of the report "Recovery and Resilience Facility Zulaufstrecken Koralmbahn, Bericht Erreichung Meilenstein I – Baubeginn Bf. Lavanttal" ("ik26-ber-20220324-rrf-bericht-erreichung-meilenstein-1-v0-inkl.anlagen-optimized-63908a3b801a9.pdf") dated 24 March 2022, which is providing an overview on the progress of the construction work.

Analysis:
The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

Construction began in March 2020 for the Lavanttal station, a new regional railway station located in Carinthia along the Koralmbahn.

The construction started on 2 March 2020 as shown by the construction book entry. This entry concerns the new regional Lavanttal railway station (construction section 'Baulos 50.3 – Bahnhof Lavanttal') and shows on page 1 that the construction work has officially started at the relevant section of the 'Koralmbahn'. The entry into the construction book is signed by "Kostmann GesmbH / Zentrale" and "ARGE IGT / iC / Laabmayr" in their capacity of contractor and on-site supervisory authority. The construction book entry serves as an official certification of the beginning of the construction work. Furthermore, Austria submitted a folder with evidence on the location. This includes a map and a picture on page 1 showing the exact location of the construction work of the railway station in the town of St.Paul along the regional railway 'Koralmbahn' in Carinthia. In addition, Austria provided a report that gives a detailed overview of the progress of the construction work, providing further evidence that the work has started in line with the Council Implementing Decision Annex requirement.

The station will allow a link between the Koralmbahn and the Lavanttalbahn.

Austria provided a report and a map, which demonstrates the location of the construction work and shows that the railway station will allow linking the existing regional railway line 'Lavanttalbahn' with the regional railway line 'Koralmbahn'.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 24	**Related Measure: 1.C.1. Legal framework for increasing collection rates for beverage packaging and the supply of reusable beverage containers in retail**
Name of the Milestone: Entry into force of the amended Waste Management Act	
Qualitative Indicator: Provision in the law indicating the entry into force of the amended Waste Management Act	**Time:** Q4 2021

Context:

The objective of this reform is to increase the reuse, collection and recycling rate of beverage packaging and containers. This will be achieved by improving the take-back system for packaging and increasing the recycling rate of single-use plastic and metal beverage packaging materials. This measure will also introduce legal changes in the area of waste management. This reform consists of two consecutive milestones and an interrelated target.

Milestone 24 requires the amendment of the Waste Management Act in Austria and concerns four points: (i) increasing quotas for separate collection of single-use beverage bottles; (ii) requirements for clear labelling of beverage packaging offered at the point of sale as single-use or reusable beverage packaging; (iii) concrete targets for the development of reusable systems for beverage packaging; and (iv) requirement for end distributors to offer a minimum number of reusable beverage packaging at the point of sale.

Milestone24 is the first step of the implementation of reform 1.C.1 and it will be followed by milestone 25 and target 26, related to the legal framework for increasing collection rates for beverage packaging and the supply of reusable beverage containers in retail. The reform has a final expected date for the implementation on 31 August 2026.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. A **summary document** duly justifying how the requirements of the milestone (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID annex) have been satisfactorily fulfilled;
ii. 01-law-63908aca3ad98.pdf: a copy of the act amending the Waste Management Act (*Bundesgesetz, mit dem das Abfallwirtschaftsgesetz 2002 geändert wird (AWG-Novelle Kreislaufwirtschaftspaket*) as published in the Official Journal of the Republic of Austria on 10 December 2021.

Analysis:
The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The amendment to the Waste Management Act shall establish the legal basis for increasing the collection rates for plastic beverage packaging and the supply of reusable beverage containers in the retail sector.

Austria submitted a copy of the act amending the Waste Management Act as published in the Official Journal of the Republic of Austria on 10 December 2021. It entered into force on 11 December 2021 in accordance with Article 91 sub-paragraphs 43 and 44 of the amending act. Articles 13q, 14b, and 14c, and Article 78 sub-paragraph 27 of the amended Waste Management Act establish the legal framework in Austria for waste prevention by increasing the collection rates for plastic beverage packaging and the supply of reusable beverage containers in the retail sector.

Quotas for separate collection of single-use beverage bottles are raised.

As required by the CID annex the amended Waste Management Act establishes the legal basis for the quotas for separate collection of single-use beverage bottles. Article 1 sub-paragraph 2a point Z 4 of the amended Waste Management Act outlines the legal framework to establish the quotas for separate collection of single-use beverage bottles in Austria. The exact quotas are further specified in Annex 1a of the amended act. Furthermore, Article 14c of the amended act sets out the requirement for producers of single-use plastic and metal beverage containers to collect a deposit for these packaging materials as of 2025.

Requirements for clear labelling of beverage packaging offered at the point of sale as single-use or reusable beverage packaging

Article 13q of the amended Waste Management Act requires the end distributors in Austria, as further defined in Article 14b, to label in a clear and visible manner whether the beverage packaging offered at the point of sale is single-use or reusable. This will allow the end-users to distinguish easily between the two categories single-use (‘*EINWEG’*) and reusable (‘*MEHRWEG’*) for their purchasing decision.

Concrete targets for the development of reusable systems for beverage packaging

Article 14a of the amended Waste Management Act specifies the concrete targets for the reduction of single-use plastic packaging and the development of reusable systems for beverage packaging. As stipulated in Article 9, the objective of the measures covered by the Waste Management Act is to prevent waste and enhance a circular economy in selected areas or product categories in Austria. Furthermore, Article 14b lays out how Austria shall increase the national-wide quota for reusable beverage packaging placed on the market. Notably, Article 14b sub-paragraph 1 specifies that the quota shall be raised to at least 25% until 2025 and to at least 30% until 2030. Article 14b sub-paragraph 1 further details how the quota shall be calculated and outlines the categories of beverages that will be taken into account for the calculation. Article 14b sub-paragraph 5 specifies the term 'reusable beverage packaging'.

End distributors are required to offer a minimum number of reusable beverage packaging at the point of sale.

Article 14b of the amended Waste Management Act introduces the obligation for end distributors in Austria to offer beverages in reusable packaging. The categories of beverages that fall under this provision are further set out in Article 14b sub-paragraph 1 of the amended Waste Management Act. Moreover, Article 14b sub-paragraph 3 specifies the minimum quotas of reusable beverage packaging per category of beverages that end distributors will be required to offer at the point of sale. The retailer will be required to either offer a certain proportion of their point of sale ('*Verkaufsstelle'*) (Article 14b sub-paragraphs 2 and 3) or make a certain proportion of their sales in reusable containers (Article 14b sub-paragraph 4). The entry into force of the amended Waste Management Act in December 2021 establishes the legal basis for introducing the above-mentioned quotas in Austria.

Furthermore, in line with the description of the measure, the amendments to the Waste Management Act will establish a legal framework that will provide for an effective take-back system for single-use plastic and metal beverage packaging and, ultimately, increase the recycling rate of these materials. This is complemented by legal changes in the area of waste management, which will raise the supply of reusable beverage containers in the retail sector.

This is provided for by the changes introduced to the Waste Management Act in Articles 13q, 14a, 14b and 14c. Notably, Article 13q will establish clear labelling requirements for single-use beverage packaging. Furthermore, Article 14a specifies a list of waste prevention measures and the development of reusable systems for beverage packaging that will be established by ordinance. This is complemented by Article 14b, setting out the concrete targets regarding the quota for reusable beverage packaging, and by Article 14c introducing the requirement to collect a deposit for single-use plastic and metal beverage containers. Overall, the legal changes will reinforce waste prevention by further developing the collection system of packaging in the retail sector.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 38	**Related Measure: 1.D.1 Renewables Expansion Law**
Name of the Milestone: Entry into force of the Renewables Expansion Law	
Qualitative Indicator: Provision in the law indicating the entry into force of the Renewables Expansion Law	**Time:** Q4 2021
Context:	

The reform overhauls the national support scheme for renewable energy, relying on market premiums and investments for wind power, hydropower, solar energy, biomass, renewable gases, including hydrogen. The objective of the reform is to contribute to an increase in the share of renewable energy in electricity supply to 100% by 2030, thus playing an essential role on Austria's path towards climate neutrality by 2040.

Milestone 38 requires the entry into force of the Renewables Expansion Law, establishing framework conditions and financing of electricity generation from renewable sources.

Milestone 38 is the first step in the implementation of the reform and the only milestone requiring the adoption and entry into force of a new legislation related to the national support scheme for renewable energy. It will be followed by targets 39 and 40 that are related respectively to additional renewable electricity generation capacity and newly installed hydrogen production capacity from renewable sources. The reform has a final expected date for implementation on 31 December 2021.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. A summary document duly justifying how the milestone (including all its constitutive elements as set out in the description of the milestone and of the corresponding measure in the CID Annex) has been satisfactorily fulfilled;
ii. Copy of the publication of the Renewables Expansion Law (*Erneuerbaren-Ausbau-Gesetzespaket – EAG-Paket*) in the Official Journal of Austria (BGBl. I Nr. 150/2021), including reference to the relevant provisions indicating the entry into force.

The authorities also provided:

i. Copy of the Amendment of the Renewables Expansion Law (*Änderung des Erneuerbaren-Ausbau-Gesetzes*) published in the Official Journal of Austria (BGBl. I Nr. 7/2022), with references to the entry into force;
ii. Copy of the Public announcement (*Kundmachung: Inkrafttreten des Erneuerbaren-Ausbau-Gesetzes*) published in the Official Journal of Austria (BGBl. I Nr. 13/2022) on the retroactive entry into force of certain provisions of the Renewables Expansion Law
iii. Copy of the Government Programme 2020-2024 stipulating that the Renewables Expansion Act is a key government priority in energy policy on Austria's path towards climate neutrality by 2040.

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The entry into force of the Renewables Expansion Law

The Austrian authorities provided evidence in the form of a copy of the Renewables Expansion Law (hereinafter the "law") that was published in the Official Journal of Austria (BGBl. I Nr. 150/2021) on 27th July 2021. Article 103 of the law stipulates that it enter into force one day after the publication, thus demonstrating that the law entered into force on 28th July 2021.

Furthermore, the Austrian authorities provided a copy of the Amendment of the Renewables Expansion Law (hereinafter the "amending law") that was published in the Official Journal of Austria (BGBl. I Nr. 7/2022) on 14th February 2022, by means of which certain provisions of the law entered into force retroactively on 1st January 2022 (defined in Article 103(2) and Article103(4) of the amending law).

Establishing framework conditions and financing of electricity generation from renewable Sources.

The law replaces the Green Electricity Act *(*BGBl. I Nr. 11/2012*)* that provided for support in the form of feed-in tariffs and investment grants for renewable energy until 2021. The law creates new framework conditions for the support of renewable energy by reforming the system of financial aid for investment and operation of new renewable energy capacity and by regulating the related technology-specific and administrative conditions. The law also sets targets for increasing the national annual production of electricity from renewable sources by 27 TWh by 2030, in order to achieve a 100% electricity consumption from renewable sources by that date, thus making a significant contribution to achieving climate neutrality by 2040. To this end, Article 4(4) of the law sets technology-specific goals of electricity production from renewable sources by 2030, namely 11 TWh from photovoltaic solar energy, 10 TWh from wind power, 5TWh from hydro power and 1 TWh from biomass. In addition, the law creates framework conditions for increasing the share of renewable gas including hydrogen, in renewable gas sales by 5 TWh by 2030 in Austria. This specific objective is defined in Article 4(1) of the law.

Establishing framework conditions and **financing of electricity generation from renewable sources**.

A core element of the law is to provide financing for electricity generation from renewable sources. To this end, the law provides for operating aid (Article 9-Article 17) in the form of market premiums for electricity produced from renewable energy sources as well as for investment aid support (Article 55-58) for renewable power plants. Until 2030, EUR 1 billion in total shall be made available annually for the expansion of renewable energy.

- Operating aid subsidy (market premiums) can be provided for electricity generation from hydropower, wind power, photovoltaic, biomass and biogas plants. The subsidy period is 20 years. In addition, a follow-up market premium can be granted for existing biomass and biogas plants until the end of the plant's 30th year of operation. The details of the market premiums and related tenders are regulated in Chapter II. Part 1 of the law (Article 9-Article 54).
- Investment aid support can be granted for the construction and expansion of photovoltaic plants and related electricity storage systems, the construction and revitalisation of hydropower plants, the construction of new wind power plants and for biomass-based plants. The details of the Investment aid support are regulated in Chapter II. Part 2 of the law (Article 55-58).

The law also includes a financing element, providing the necessary financial resources for the financing of market premiums and investment aid support for electricity generation from renewable sources. The law (Article 71-Article 78) establishes the rules on allocation and management of funding. The support scheme is financed by a 'renewable support rate' (*Erneuerbare Förderpauschale*) as defined by Article 73 of the law and the 'renewable subsidy' per network level (*Erneuerbarer Förderbeitrag*) as defined by Article 75 of the law. The renewable support rate and the renewable subsidy, which are both charged on top of the network charges

in Austria, constitute the main components of the financing mechanism of the whole support scheme.

Furthermore, in line with the description of the measure, the reform represents a key government priority in energy policy that plays an essential role on Austria's path towards climate neutrality by 2040.

The Government Programme 2020-2024 confirms on page 72 that the law is a key government priority in energy policy on Austria's path towards climate neutrality by 2040.

Furthermore, in line with the description of the measure, the elements of the reform regarding hydrogen are coherent with the investment measure 3.D.2 IPCEI Hydrogen.

The law creates framework conditions, among other renewable energy sources, also for increasing the share of renewable gases, including hydrogen, by 5 TWh by 2030 as stipulated in Article 4(1) of the law. The law provides for investment aid subsidies for the repurposing of existing biogas plants, the construction of renewable gas plants as well as power-to-gas/hydrogen plants. The details of the Investment aid support are regulated in the law (Article 59- Article 65). By supporting the production of renewable hydrogen, the element of this reform is coherent with measure 3.D.2. IPCEI Hydrogen of the Austrian Recovery and Resilience Plan, which aims to promote integrated projects covering hydrogen production as well as storage and applications, thus helping to build a national and European ecosystem along the whole hydrogen value chain.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 41	**Related Measure: 1.D.2 Transforming industry towards climate neutrality**
Name of the Milestone: Adoption of regulatory criteria and funding guidelines	
Qualitative Indicator: Amendment of the funding guidelines, including definition of eligibility criteria for assessing substantial greenhouse gas emission savings	**Time:** Q3 2021

Context:

The investment measure aims to accelerate the decarbonisation of industry and increase its resource and energy efficiency by supporting industrial eco-innovations and advanced technology reducing the environmental impact of hazardous waste treatment. The measure consists of a call for tender targeting large-scale transformative projects in industrial sectors, including those falling under the EU Emissions Trading Scheme.

Milestone 41 requires the adoption and publication of the amendment to regulatory criteria and funding guidelines (based on 'Umweltförderungsgesetz') for environmental support promoting major projects and measures for ETS installations. Furthermore, the eligibility criteria shall ensure that the selected projects comply with the 'Do no significant harm' Technical Guidance (2021/C58/01).

Milestone 41 is the first step in the implementation of the investment measure. It will be followed by targets 42 and 43 that are related to the roll-out and completion of the selected decarbonisation projects respectively. The investment measure has a final expected date for implementation by 30 June 2026.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document: duly justifying how the milestone requirements (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID Annex) have been satisfactorily fulfilled;
ii. Copy of the Amendment of the Environmental Aid Act (*Umweltförderungsgesetz)* published in the Official Journal of Austria (BGBl. No. 26/2022) on 18 March 2022;
iii. Copy of the Environmental Funding Guidelines (*Investitionsförderungsrichtlinie 2022 für die Umweltförderung im Inland*) issued by the by the Minister for Climate Action on 30 March 2022, which allow also for ETS installations to receive funding, and a link to the Guidelines: https://www.umweltfoerderung.at/fileadmin/user_upload/media/umweltfoerderung/Uebergeordnete_Dokumente/IFRL_UFI.pdf.

The national authorities also provided:

i. Copy of the Stipulations (*Leitfaden*) related to the calls for project proposals (first call) published by the Ministry for Climate Action (BMK).
ii. Copy of the amended Stipulations (*Leitfaden*) related to the calls for project proposals (second call) published by the Ministry for Climate Action (BMK)

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

Amendment of the regulatory criteria and funding guidelines 'Umweltförderung im Inland' (based on 'Umweltförderungsgesetz') for environmental support promoting major projects and measures for ETS installations. The amendment will be adopted and published by the Climate Ministry (BMK).

The amendment of the Environmental Aid Act (hereinafter the 'amending act') was published in the Official Journal of Austria (BGBl. No. 26/2022) on 18 March 2022. It amends the original Environmental Aid Act (BGBl. No. 185/1993). Article 53(26) of the amending act indicates that it entered into force one day after the publication in the Official Journal.

The amending act introduced into the Environmental Aid Act a new paragraph '§6a European funds', which amends the regulatory criteria for environmental support by explicitly mentioning the 'Austrian Recovery and Resilience Plan 2020-2026' and by empowering the Federal Minister of Climate Action, Environment, Energy, Mobility, Innovation and Technology (hereinafter 'Minister for Climate Action') to use the funds from the 'European Recovery Plan' for environmental aid measures, in additional to the national funding.

The amended Environmental Funding Guidelines (*Investitionsförderungsrichtlinie 2022 für die Umweltförderung im Inland*) have been approved by the Minister for Climate Action on 30 March 2022 and published on the same day on the official Government's webpage for environmental support programmes

(https://www.umweltfoerderung.at/fileadmin/user_upload/media/umweltfoerderung/Uebergeordnete_Dokumente/IFRL_UFI.pdf).

The Environmental Funding Guidelines (Article 4) define criteria of environmental support for major projects by stipulating the following eligible areas of support:

1. investments to avoid or reduce environmental pollution caused by climate-relevant gases;
2. investments to prevent or to reduce the environmental impact of other air pollutants, insofar as facilities are improved or replaced;
3. investments to increase resource efficiency and the circular economy;
4. investments to reduce the environmental impact of treatment or recycling of hazardous waste;
5. investment to prevent or reduce environmental pollution caused by noise, with the exception of traffic noise, insofar as installations are not merely slightly improved or replaced;
6. eco-innovative investments;
7. intangible services required in connection with the measures referred to in item 1 and provided by persons or companies authorised to do so.

The guidelines furthermore specify conditions allowing ETS installations to receive funding under the requirements of Article 5(1) sub-paragraph 8(b), which specifies preconditions for ETS-projects to participate in the tender process according to technical criteria.

Eligibility criteria ensuring that the selected projects comply with the 'Do no significant harm' Technical Guidance (2021/C58/01).

Article 1 of the consolidated Environmental Aid Act defines the objectives of environmental protections by referring to water use, emission reduction, climate change mitigation/adaptation, circular economy, reduction of environmentally harmful pollution and waste as well as protection and restoration of biodiversity. Article 16(3) further specifies the objectives by referring to the reduction of pollution of water, air and soil as well as to the preservation of natural water balance.

Article 2(2) of the consolidated Environmental Aid Act further stipulates that public interest in environmental protection within the meaning of these objectives (referred to in Article 1), in particular the transformation of the economy towards climate neutrality and a circular economy, the technical, economic and macroeconomic effectiveness of the measures, shall be taken into account. Consideration shall be given to the nature and extent of the anticipated effects of the measure on the aforementioned objectives, the prevention of a shift in environmental pollution, the incentive to develop and improve environmentally friendly, raw material- and energy-saving technologies, and the cushioning of the increased costs associated with the use of such technologies.

Furthermore Article 1 (3) of the Environmental Funding Guidelines reiterates the requirement of any support provided to comply with the environmental objectives defined in Article 2 of the Environmental Aid Act.

Furthermore, the (amended) Stipulations (*Leitfaden*), which define the technical specifications of the call for projects published by the Ministry for Climate Action (BMK), require the compliance with the 'Do no significant harm' (hereinafter 'DNSH') principle as an eligibility criterion. Section 2.4.1 '*Online-Antrag*' of the Stipulations requires, for each project, a self-assessment according to the Commission Technical guidance on the application of 'DNSH' under the Recovery and Resilience

Facility Regulation (2021/C58/01). The applicants shall provide it at the stage of submitting the funding application as well as after the execution of the project. The submitted self-assessments on DNSH compliance will be checked for plausibility by the Austrian Klima- und Energiefonds, which administrates the call, and will be rejected or lead to exclusion from the callin case of non-compliance with the DNSH principle.
This means that eligibility criteria defined by the Environmental Funding Guidelines, in combination with the technical specifications defined by the Stipulations (*Leitfaden*), will be used to ensure that projects comply with the 'DNSH' Technical Guidance.

Definition of eligibility criteria for assessing substantial greenhouse gas emission savings

The Austrian authorities provided evidence in form of the above-mentioned Stipulations (*Leitfaden*) related to the call for projects, which duly justify this qualitative indicator of the milestone.

Section 2.1 defines eligibility criteria by requiring that projects must result in a significant reduction of GHG emissions of the applicant company. Sections 2.3 and 2.4.1 of the Stipulations further specify that ETS installations shall provide an official report from a certified inspection body, which validates the reduction of the greenhouse gas emissions (hereinafter 'GHG emissions') and the new benchmark, which shall be reached. Furthermore, in Table no. 3 the Stipulations require that:

(i) for ETS installations, the new benchmark must be below the values indicated in the Annex "EU-ETS Benchmarks" of the Commission Implementing Regulation (EU) 2021/447 determining revised benchmark values for free allocation of emission allowances for the period from 2021 to 2025;
(ii) for non-ETS installations without a production benchmark, projects shall reduce their GHG-emissions by at least 30 % compared to the initial situation.

Moreover, section of 2.3 of the Stipulations also provides for extensive obligations and methodology to assess the achieved reduction of GHG emissions. It specifies that (i) the GHG emissions savings must be presented by using as reference historical operational data covering the last 10 calendar years, and (ii) the calculation of GHG savings shall be based on the methodology of the European Innovation Fund (EIF) as set out in the '*Methodology for GHG Emission Avoidance Calculation*' document, and (iii) the total sum of all GHG shall be expressed in CO2 equivalents.

The eligibility criteria on the expected emission savings are compliant with the 'Do no significant harm' Technical Guidance (2021/C58/01). At the same time, a potential improvement in relation to the definition of criteria for achieving emission savings significantly below the benchmarks for free allocation for ETS installations was identified in the initial Stipulations to align with the practice in the implementation of the national recovery and resilience plans in other Member States. This aspect has been addressed in the amended Stipulations (Leitfaden) published by the Ministry for Climate Action (BMK) on 7 March 2023 in the context of the second call for project proposals.

The description of the milestone in the Council Implementing Decision Annex requires that the amended regulatory criteria and funding guidelines for environmental support include eligibility criteria ensuring that the selected projects comply with the 'Do no significant harm' Technical Guidance (2021/C58/01). Whereas the amended regulatory and funding guidelines make reference to climate and environmental objectives that are coherent with the six environmental objectives covered by the Commission technical guidance on DNSH, the eligibility criteria ensuring the compliance with the DNSH principle are stipulated in the technical specifications (Stipulations) of the call for proposal. Whilst this constitutes a minimal formal deviation from the requirement

of the Council Implementing Decision, the compliance with the Technical Guidance (2021/C58/01) is ensured through the inclusion in the technical specifications defining the eligibility criteria of the call for proposal as well as through the examinations to be performed by the implementing agency that administrates the call. Furthermore, the expected savings of greenhouse gas emissions shall be validated for each project by a certified inspection body. As of this, this minimal deviation does not affect the progress towards the achievement of the investment that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.
Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 44	**Related Measure: 2.A.1 Set-up of Platform Internet-infrastructure Austria (PIA) 2030**
Name of the Milestone: Work programme of Platform Internet-infrastructure Austria (PIA 2030) to coordinate the interaction of all relevant stakeholders	
Qualitative Indicator: Publication of the work programme setting out measures to reduce red tape and simplify procedures for broadband deployment	**Time:** Q4 2021

Context:

The measure aims to improve broadband access in Austria, especially in rural regions. To that end, Platform Internet-infrastructure Austria (in the documents submitted by Austria "PIA 2030" or "PIA") is being set up to develop measures for broadband deployment and implement the recommendations of the Connectivity Toolbox.

Milestone 44 requires the adoption of the work programme for the task force of Platform Internet-infrastructure Austria. The work programme is the foundation of the task force, which will work towards the material aims of the reform.

Milestone 44 is the first step of the implementation of the reform, and will be followed by milestone 45, related to the implementation of the measures developed by the Platform to reduce red tape and simplify procedures for broadband deployment. The reform has the final expected date for implementation on 31 December 2023.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. A summary document duly justifying how the requirements of the milestone (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID annex) have been satisfactorily fulfilled.
ii. Arbeitsprogramm der Plattform Internetinfrastruktur 2030.pdf is the copy of the adopted and published work programme governing Platform Internet-infrastructure Austria (Arbeitsprogramm der Plattform Internetinfrastruktur 2030, also available online https://data.breitbandbuero.gv.at/Veroeffentlichung-zu-PIA2030.pdf)
iii. Annex to the summary document "Achievement of the requirements in the description of the measure".

The authorities also provided:

i. The statutes of the task force of Platform Internet-infrastructure Austria (Statut der Operativen Kerngruppe der Plattform Internetinfrastruktur 2030, "the statutes")
ii. PIA2030 Parl. Anfrage.pdf, a copy of the answers to a parliamentary inquiry about the purpose of Platform Internet-infrastructure Austria (official document number 2021-0.232.021, also available online: https://www.parlament.gv.at/PAKT/VHG/XXVII/AB/AB_06054/imfname_979167.pdf).
iii. Webaufnahme_29-7-2022_103321_info.bml.gv.at.jpeg, a screenshot of an article about PIA 2030 on the webpage of the Federal Ministry of Agriculture and Forestry, Regions and Water Management.
iv. PIA_Arbeitsgruppe Bauliche Maßnahmen_Aufgabenbereich.pdf, is for working group structural measures (Bauliche Maßnahmen) the task defined in writing as required by §5(3) of the statutes of the task force of Platform Internet-infrastructure Austria. The document states the topics for which the working group is responsible.

Analysis:
The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

Adoption of the programme of PIA 2030, to establish a task force to coordinate all relevant stakeholders.
Austria submitted a copy of the adopted and published work programme, *"Arbeitsprogramm der Plattform Internetinfrastruktur 2030",* which establishes a task force to coordinate all relevant stakeholders. The work-programme indicates that the main goal of the task force is the coordination of the relevant stakeholders (federal state, subnational governments, communes and cities as well as citizens and private companies). This is further specified in the answers to the parliamentary inquiry about the purpose of PIA 2030.

The objective of the task force is to develop legal, regulatory and technical measures in the context of broadband deployment, and to implement the Connectivity Toolbox.
Article 2 (1) of the statutes outlines the tasks of the task force to be:

b. Developing a uniform legal, regulatory and technical framework for broadband expansion;
c. Developing accompanying measures for broadband expansion.

Moreover, the written task-definition Austria submitted shows that the working group "structural measures" has been tasked to implement the Connectivity Toolbox.

Furthermore, in line with the description of the measure, PIA 2030 is tasked to develop measures to reduce bureaucracy and simplify procedures for broadband deployment.
i. This is specified in PIA 2030's statutes, which clarifies in Article 2(2) sub-paragraph 2.c. that its tasks include the acceleration and simplification of bureaucratic procedures for broadband deployment.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 49	**Related Measure: 2.B.1 Fair and equal access of pupils to basic digital competence**
Name of the Milestone: Entry into force of the School Digitalisation Act	
Qualitative Indicator: Provision in the law indicating the entry into force of the School Digitalisation Act.	**Time:** Q1 2021

Context:
The objective of the reform is to set out the framework conditions for supporting measures to enable fair and equal access for all pupils at lower secondary schools to basic digital competences. The reform consists of supporting actions facilitating the digitalisation in schools in a comprehensive manner. It also includes actions ensuring that teachers are provided with sufficient training course opportunities to improve their digital skills and broaden their knowledge concerning digital tools to be applied when teaching.

Milestone 49 requires that the School Digitalisation Act has entered into force, providing the framework for better in-service teacher training, improved school infrastructure, the setup of pedagogical and administrative portal as well as improving a learning material portal.

Milestone 49 is the first step of the implementation of the reform and is followed up by milestone 50 entry into force of the Implementing Decision" and milestone 51 "Evaluation of the School Digitalisation Act" which completes the implementation of this reform by an evaluation of the School Digitalisation Act. The reform has a final expected date for implementation on 30 June 2025.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary Document duly justifying how the requirements of the milestone (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID annex) have been satisfactorily fulfilled.
ii. Copy of the publication of the School Digitalisation Act in the Official Journal, including a reference to the provision indicating the entry into force (Bundesgesetz zur Finanzierung der Digitalisierung des Schulunterrichts (SchDigiG), issued on 7 January 2021"
iii. Copy of the amendment to the School Digitalisation Act (Änderung des Bundesgesetzes zur Finanzierung der Digitalisierung des Schulunterrichts), issued on 13 April 2022

Austrian authorities also provided the additional following documents:

i. Copy of the letter of intent issued by the ministry of education, which confirms the schools' intention to become a "digital school" which consist of a development and implementation plan outlining the use of digital technologies and media in the context of ICT-supported teaching. It also includes staff-, teaching- and overall school development in the short-, medium- and long-term.
ii. Copy of the publication of the implementing regulation of the School Education Law on the ICT teaching techniques (Verordnung des Bundesministeriums für Bildung, Wissenschaft und Forschung über IKT-gestützten Unterricht und Datensicherheitsmaßnahmen im Schulwesen) in the Official Journal, issued on 30 August 2021.
iii. Copy of the School Education Law (Schulunterrichtsgesetz) in the Official Journal, issued on 8 January 2021.
iv. Copy of the Budget Law 2022 and the accompanying document on Education (Teilheft 30 Bildung) of November 2021.
v. Copy of the decree and the supplement of the Federal Ministry of Education, science and research on the information of the new compulsory subject on digital education for teachers in the school year 2022/2023, issued on 3 April 2022.
vi. Copy of Implementing Regulation 267/2022 on the amending the curricula of secondary schools and the regulation on the curricula of general higher schools in the Official Journal, issued on 6 July 2022.

vii. Copy of the decree of the Federal Ministry of Education, science and research on the Launch of the Digital School Portal issued on 2 September 2020.

viii. Copy of the 8 point plan for the school digitalisation (8 Punkte Plan für den digitalen Unterricht).

ix. Spreadsheet of schools having signed the letter of intent for the digital device initiative (Liste der Schulen.xlsx).

x. Application procedure for the device initiative, showing that should have to confirm that they will implement measures in the four quality areas of the letter of intent (screenshots_confirmation letter of intent.docx).

xi. Copy of the press folder of the 8 point plan for School digitalisation of 17 June 2020.

xii. Information notice of 22 April 2022 of the Federal Ministry of Education, science and research addressed to school directors to attend a virtual training course on Digital Citizenship.

xiii. Information notice of 27 July 2020 of the Federal Ministry of Education, science and research addressed to education directorates to attend a virtual training course on distance learning.

i) Information notice of 5 March 2021 of the Federal Ministry of Education, science and research inviting school directors and teachers to attend virtual training course on the digitalisation concept.

xiv. Factsheet of the Federal Ministry of Education, science and research on the virtual training course on the digitalisation concept.

xv. Screenshot and link to the Digital School Initiative website: https://digitaleschule.gv.at/portal-digitale-schule/: The website "Digitale Schule" of the Federal Ministry of Education describes the roll-out of the of the portal of the digital school.

xvi. Screenshot and link to the website: https://www.virtuelle-ph.at/dkm/: This is the link to the website providing the distance learning MOOC, allowing teachers to follow this course in a self-paced way.

xvii. Screenshot and link to the Distance Learning Portal : https://serviceportal.eeducation.at/

xviii. Screenshot and link to the Distance Learning section on the website of the Federal Ministry of Education, science and research: https://www.bmbwf.gv.at/Themen/schule/beratung/corona/corona_fl/dlsp.html: This website provides a simple and easy access to the communication platforms used for distance learning.

xix. Screenshot and link to website of the Digital School Portal: https://digitaleschule.gv.at/portal-digitale-schule/: The Digital School Portal is a central platform for bundling the different tools for teachers, parents and pupils.

xx. Screenshot and link to Eduthek website : https://eduthek.at/: This is the link to the website of the Eduthekwhich is a collection of quality assured links of external learning content.

xxi. Screenshot of the LMS.at website : https://lms.at/: This is the link to website of the learning platform LMS.

xxii. Screenshot of the Eduvidual website : https://www.eduvidual.at/local/eduvidual/pages/login.php: This is the link to the website Eduvidual, an individual learning platform.

Analysis:

The Commission considers that there is a clerical error in the text of the Council Implementing Decision as regards the description of the milestone and has undertaken the assessment on a revised basis. In the Austrian RRP, the School Digitalisation Act is one building block of a wider reform. The School Digitalisation Act was intended to provide the legal basis primarily for the

acquisition and provision of digital equipment to teachers and students as well as to provide the requirement for a digital strategy for schools.

However, three elements that are set out in the milestone description – the better in-service teacher training, the setup of pedagogical and administrative portal as well as improving a learning material portal – are in the Austrian RRP as part of this wider reform but are not linked to the School Digitalisation Act. This approach is in line with the "8 point plan for digital education" initiated by the Austrian federal government on 17 June 2020 that was the basis for this RRP measure. The Commission will therefore undertake its assessment on that basis.

It should be noted that the School Digitalisation Act and the 8-point plan are measures that have been adopted or amended after 1 February 2020 but before the submission of the Austrian RRP. The construction of this milestone in the Council Implementing Decision linking the elements mentioned above exclusively to the School Digitalisation Act is, therefore, a clerical error.

The School Digitalisation Act - Bundesgesetz zur Finanzierung der Digitalisierung des Schulunterrichts (SchDigiG) was published in the Official Journal of the Republic of Austria on January 7, 2021 and as set out in its Article 10, entered into force on January 8, 2021.

The scope of the School Digitalisation Act is to teach all pupils from the 5th grade in all types of schools which have a statutory digitalisation approach to provide ICT-based training and to create the pedagogical and technical conditions (Article 1 of the School Digitalisation Act).

The School Digitalisation Act provides for the legal basis for the **deployment of digital devices in schools for teachers and pupils** (Article 2) as well as for the **improved school infrastructure**. As set out in the Austrian NRRP, improving school infrastructure is closely linked to the implementation of the deployment of the digital devices and enhanced digital education at schools.

Article 6 of the School Digitalisation Act sets out the technical and organisational requirements for the safe integration of mobile terminals in the school's ICT infrastructure and for supporting the digitalisation approach. The budget law for 2022 includes in section 30.01.10- Digital Education (page 64 of title (*Teilheft*) 30 of the document accompanying the budget law) the deployment of fibre connection and Wifi as part of the improvement of school infrastructure for providing the digital devices based on the School Digitalisation Act.

The School Digitalisation Act also requires each school participating in the deployment of the devices to adopt a digital strategy adapted to the needs and specificities of each school (Article 2 paragraph 1 subparagraph 1 of the School Digitalisation Act). This digital strategy shall entail a development and implementation plan with minimum technical standards and further contribute to deploying IT infrastructure on the school sites. This is further confirmed in the Letter of Intent, signed by each school which outlines minimum requirements and checks to be performed for each school such as the availability of fast internet connection in the school building, cabling school building, Wi-Fi availability in the classrooms, charging opportunities for the digital devices (at least one charging point per three pupils) in the classrooms and presentation equipment (such as beamers). The Letter of Intent also commits schools to realise controls to verify if the school's own infrastructure meets all the requirements to ensure the smooth use of the digital devices by students and teachers. This Letter of Intent was signed by 95% of the schools in Austria as confirmed by the list of schools provided by the Austrian authorities (Liste der Schulen.xlsx).

The framework for better in-service teacher training linked to the digitalisation of education is provided by Article 14a of the School Education Law, which has entered into force on 8 January 2021. It defines the scope of ICT supported education and entitles the Ministry of Education to define the requirements for ICT supported teaching through implementing regulations (in Article

14a paragraph 3). This provides the basis for the implementation of enhanced teacher training in the context of the enhanced use of consolidated digital administrative and learning platforms.

Teacher trainings were developed through Massive Open Online Course (hereinafter referred to as MOOC) focusing on the fundamentals and organization of distance learning, the use of platforms, the use of digital content and digital tasks. The information notices from the Federal Ministry of Education, Science and Research addressed to school directors confirm that teachers have been informed and provided access to online courses focussing on digital basic education or on how to handle the digitalisation concept to improve their digital skills and broaden their knowledge concerning digital means (Information notice on Digital Citizenship training course of 22 April 2022) and ICT-supported teaching methods (Information notice on Distance Learning training course of 27 July 2020). In particular, the Federal Ministry of Education, Science and Research developed a MOOC on Digital Basic Education (digi.konzept MOOC) accessible to every teacher (as confirmed by the link https://www.virtuelle-ph.at/dkm/) in order to support them to develop their teaching in the context of the deployment of digital device in schools (as confirmed by the Information notice of 5 March 2021 inviting teachers to attend to the course).

Lastly, a new compulsory subject ("digital basic education") was introduced by the Implementing Regulation 267/2022, which entered into force on 6 July 2022. The mandatory introduction of this new compulsory subject in the school year 2022/2023 required enhanced teacher training. The decree of the Ministry for Education, Science and Research issued in April 2022 and addressed to all school directors of secondary schools further confirms the introduction of the new compulsory subject on digital education for teachers in the school year 2022/2023 and the facilitation of the required teacher training at the school level. Besides the provision of MOOCs, as already mentioned above, starting with the winter semester 2023/24 a new teacher training program for teaching qualification for the subject of digital basic education is launched. Until the first graduates complete the program, teachers already in service have the option of acquiring a permanent teaching qualification by completing a university course in "digital basic education" which will start the first time in fall 2022. In addition, from the summer semester 2022 onwards, the university teacher education will offer more in service training courses for the curriculum content of "digital basic education".

As regards the set-up of the pedagogical and administrative portal, the School Education Law defines the use of digital learning and work portals as means of digital teaching tools and it entered into force on 8 January 2021 (Article 14a paragraph 2). It also empowers the Ministry of Education to detail requirements for setting up the portals via an implementing regulation (Article 14a paragraph 3). The Implementing Regulation of the School Education Law on the ICT teaching techniques confirms the approach to develop a uniform platform with single sign-on functionality for all essential applications for pedagogy and administration by streamlining the rules of use, access and integration of the Digital School portal into the IT systems and services of the schools (Article 6 of the Implementing Regulation of the School Education Law on the ICT teaching techniques). On this basis, a unique single portal called Digital School Portal (Pods) has been deployed to connect essential digital application for pedagogy and administration into a single sign-on platform and made available in Fall 2021 to all schools (federal and compulsory)(https://digitaleschule.gv.at/portal-digitale-schule/).

The improved learning material portal is implemented by Article 14a of the School Education Law, which entered into force on 8 January 2021 and underpins the same logic as the pedagogical and administrative portal. As explained in the Austrian RRP, the improved learning material portal refers to Eduthek, an application which provides for digital educational content and teaching materials through a unified catalogue system. Eduthek is a "digital learning and work platform" according to

Article 14a paragraph 2 which has been further developed and connected to the single Digital School Portal (as confirmed by the screenshots of Eduthek (https://https://eduthek.at/.at)).

Furthermore, in line with the description of the measure, the objective of the reform is to set out the framework conditions and provide supporting measures to enable fair and equal access for all pupils at lower secondary schools to basic digital competences. Article 1 and 2 of the School Digitalisation Act confirms the objective is to entitle all pupils starting from the 5th grade to be taught using information and communications technology (ICT-supported teaching) in all school types. The aim is also to create the pedagogical and technical prerequisites to carry out information and communication technology-supported teaching. Article 4 specifies that digital devices should be provided as a learning tool to all pupils of the 5th grade, including those who are repeating a school year. Ownerships of these devices is transferred to the pupils (Article 5 paragraph 1)) in exchange for a personal contribution (co-financing) of 25% of the device price (Article 5 paragraph 2)). An exemption from the co-financing obligation is granted to targeted pupils from low-income families (Article 5 paragraph 3). This exemption and the distribution of ICT tools to all pupils ensure that there are no monetary obstacles associated with the provision of digital end-devices to pupils. This further contributes to fair and equal access to the equipment (including pre-installed software) used for IT-supported learning.

In addition, the amendment of the School Digitalisation Act which entered into force on 14 April 2022 extends the exemption from co-financing by parents/legal guardians to other disadvantaged groups. According to article 3 paragraph 5 section 3, pupils benefiting from Child and Youth Welfare Acts of the Federal Provinces, pupils living in households who are exempted from the green electricity flat rate or those who receive a subsidy for telephone charges can also benefit from the exemption. The amended School Digitalisation Act also gives schools an additional month to register for the digital devices initiative for the next school year (article 1 paragraph 2 section 3). Also, the exemption is granted in the school year 2022/2023 to students in grades 6 to 8 who attend a multi-grade class for which a digital device is necessary for participation in the lessons of this class (paragraph 2, section 4). Broadening the eligibility criteria for the exemption of the co-financing further contributes to ensuring that there are no monetary barriers to receiving a digital device for students from low-income families.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 50	**Related Measure: 2.B.1 Fair and equal access of pupils to basic digital competence**
Name of the Milestone: Entry into force of the Implementing regulation	
Qualitative Indicator: Publication of the Implementing regulation of the School Digitalisation Act	**Time:** Q3 2021

Context:
The objective of the reform is to set out the framework conditions and provide supporting measures to enable fair and equal access for all pupils at lower secondary schools to basic digital competences. The reform consists of a number of supporting actions facilitating the digitalisation in schools in a comprehensive manner. It shall include different activities to ensure that teachers are provided with sufficient in-service training course opportunities to improve their digital skills and broaden their knowledge concerning digital means and measures to be applied when teaching.

Milestone 50 requires the implementing regulation of the School Digitalisation Act has been published, entered into force.

Milestone 50 is the second step of the implementation of the measure and is preceded by milestone 49 entry into force of the School Digitalisation Act (also part of this payment request) and is followed by milestone 51 Evaluation of the School Digitalisation Act which completes the implementation of this reform. The reform has a final expected date for implementation on 30 June 2025.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary Document duly justifying how the requirements of the milestone (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID annex) have been satisfactorily fulfilled.
ii. Copy of the publication of the implementing regulation of the School Digitalisation Act *(*Regulation of the Federal Minister of Education, Science and Research on ICT-supported teaching and data security measures in the school system (hereinafter referred to as implementation regulation of the School Digitalisation Act) ; *Verordnung des Bundesministers für Bildung, Wissenschaft und Forschung über IKT-gestützten Unterricht und Datensicherheitsmaßnahmen im Schulwesen (IKT-Schulverordnung))* in the Official Journal (BGBl. II Nr. 382/2021) on 30 August 2021, including a reference to the provision indicating the entry into force.

The authorities also provided:

i. Copy of the publication of the School Digitalisation Act (*Bundesgesetz zur Finanzierung der Digitalisierung des Schulunterrichts)* in the Official Journal (BGBl. I Nr. 9/2021) on 7th January 2021, including a reference to the provision indicating the entry into force.

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The Implementing Regulation of the School Digitalisation Act enters into force

The Implementing Regulation of the School Digitalisation Act was published on 30 August 2021, in the Official Journal of the Republic of Austria. As set out in article 18 of the Implementing Regulation of the School Digitalisation Act, the regulation entered into force on 1 September 2021.

Section 6 (article 6) of the School Digitalisation Act provides the legal basis for the Implementing Regulation, empowering the Federal Minister of Education, Science and Research to introduce detailed requirements on the technical and organisational management measures of digital end-user devices for pupils. In particular with regard to secure authentication and secure data transmission on digital end-user devices, minimum requirements for the hosting environment used as well as guidelines for information and communication technology (ICT) terms of use to be defined by the educational institutions. Article 2 (2) the ICT School Ordinance establishes the objective of the regulation is the laying down of the requirements pursuant to Section 6(6) of the School Digitalisation Act and shall thereby be considered as implementing the School Digitalisation Act.

Furthermore, in line with the description of the reform shall include different activities to ensure that teachers are provide the framework for better in-service teacher training, improved school

infrastructure, provide digital solutions to simplify pedagogical and administrative exchange through a portal consolidating all essential applications for education and administration.

The implementing regulation of the School Digitalisation Act contributes to the smooth digitalisation of the schools by applying the different information and communication technology supported teaching tools and digital end devices common interoperability and security rules and by integrating into a coherent end device management system. It further specifies necessary technical and organizational measures for digital learning, the use of digital end devices in the school context and for the school network in order to ensure the functionality and security of digital end devices.

The implementing regulation of the School Digitalisation Act clarifies also basic definitions and delineates what is meant by school network, device management, remote access to devices, or Information Technology services for educational purposes, which are relevant for the improvement of the school infrastructure. The act contains specifications regarding authentication (see article 5 of the regulation) in IT services (pedagogy, administration) and stipulates that information technology systems and services for data processing must always be made available on a web-based basis (see article 7(2) and article 11(3) of the regulation). In addition, the act regulates technical matters of information and communication technology ICT-supported teaching and operationalise the general objective of the School Digitalisation Act for blended and distance learning by specifying the permissible use of digital services in the context of regular and distance learning (article 10 to 13 of the regulation).

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 52	**Related Measure: 2.B.2 Provision of digital end-user devices to pupils**
Name of the Milestone: 2.B.2 Award decision on tender regarding digital end devices	
Qualitative Indicator: The award decision on the published tender for the digital devices has been finalised and published	**Time:** Q2 2021

Context:

Milestone 52 is part of the investment 2.B.2 Provision of digital end-user devices to pupils, of which the objective is to provide the pedagogical and technical requirements for IT-supported lessons at all school locations, by handing out digital devices to all pupils at lower secondary level. All pupils are expected to have access to digital education under fair and appropriate framework conditions. The central provision of devices and uniform equipment in the participating classes places pedagogical goals at the centre of teaching without interference by the social background of the pupils.

Milestone 52 consists of two main elements:

(a) Publishing the award decision following the Europe-wide tender for digital end-user devices for pupils; and

(b) Ensuring that the contract for the provision of digital end-user devices to pupils has been awarded.

Milestone 52 is the first step in the implementation of the investment, and it will be followed by targets 53, 54, and 55, all of which are related to the actual delivery of digital end-user devices to pupils in the lower secondary schools in Austria. The investment has a final expected date for implementation on 31 December 2024.

Evidence provided:
In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document AT-C[C2]-I[2B2]-M[52]: A summary document duly justifying how the milestone requirements have been satisfactorily fulfilled and linking the requirements to the documents i)-vii) has been provided. It explains the criteria on the basis of which the award decision has been taken, including the technical specifications of the devices, as well as justifies how the award decision complies with the criteria defined in the description of the milestone and the description of the corresponding measure in the CID Annex.

Copies of the publication of the award decisions:

ii. 3401.03677_Auswahl_CANCOM.pdf (as uploaded to FENIX): "BBG-GZ.3401.03677" – copy of the award decision, in the form of a letter sent to the winning bidder, for laptops with Windows operating systems (Lot 1). CANCOM a + d IT solutions GmbH has been awarded the contract.

iii. 3401.03677_Auswahl_Omega.pdf (as uploaded to FENIX): "BBG-GZ.3401.03677" – copy of the award decision, in the form of a letter sent to the winning bidder, for Chromebooks (Lot 2), Apple iPadOS Tablets (Lot 4) and Android Tablets (Lot 5). OMEGA Handelsgesellschaft m.b.H. has been awarded the contract.

iv. 3401.03902_Auswahlentscheidung_A1_signed.pdf (as uploaded to FENIX): "BBG-GZ. 3401.03902" – copy of the award decision, in the form of a letter sent to the winning bidder, for tablets with Windows operating systems (Lot 3). A1 Telekom Austria AG has been awarded the contract.

Copies of the notification of the award of the framework agreements:

v. 3401.03677_Abschluss_CANCOM_signed_signed.pdf (as uploaded to FENIX): "BBGRahmenvereinbarung GZ 3401.03677.001" – copy of the framework agreement for laptops with Windows operating systems (Lot 1). The framework agreement has been concluded by the Bundes Beschaffung GmbH with CANCOM a + d IT solutions GmbH on 2 August 2021.

vi. 3401.03677_Abschluss_Omega_signed_signed.pdf (as uploaded to FENIX): "BBG-Rahmenvereinbarungen GZ 3401.03677.002, GZ 3401.03677.004, GZ 3401.03677.005" – copy of the framework agreement for Chromebooks (Lot 2), Apple iPadOS Tablets (Lot 4) and Android Tablets (Lot 5). The framework agreement has been concluded by the Bundes Beschaffung GmbH with OMEGA Handelsgesellschaft m.b.H on 2 August 2021

vii. 3401.03902_Abschluss RVB_A1_signed_signed.pdf (as uploaded to FENIX): "BBG-Rahmenvereinbarung GZ 3401.03902.001" – copy of the framework agreement for tablets with Windows operating systems (Lot 3). The framework agreement has been concluded by the Bundes Beschaffung GmbH with A1 Telekom Austria AG on 14 November 2021.

viii. Publication of the tender for the digital devices for pupils (as uploaded to FENIX). The tender started on 23 December 2020 with an EU-wide publication of the tender documents. Link:

https://ted.europa.eu/udl?uri=TED:NOTICE:623615-2020:DATA:DE:HTML&tabId=3

The authorities also provided:

i. The technical specifications of the devices: https://digitaleslernen.oead.at/de/fuer-schulen/geraeteinformationen (under the subheading "Gerätetypen und Modelle (Schuljahr 2021/22)"

ii. Technische Spezifikationen.xlsx (as uploaded to FENIX): is an Excel sheet detailing the minimum technical requirements for each lot (device type).

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The responsible Ministry shall publish the award decision following the Europe-wide tender for digital end-user devices for pupils

In line with the description of milestone 52 in the Council Implementing Decision Annex, Austria provided the documents *3401.03677_Auswahl_CANCOM.pdf*, *3401.03677_Auswahl_Omega.pdf* and *3401.03902_Abschluss RVB_A1_signed_signed.pdf*, which are copies of the award decisions following the Europe-wide tender for digital end-user devices for pupils.

The tender started on 23 December 2020 with an EU-wide publication of the tender documents (link provided under evidence viii.) by the Federal Ministry of Education, Science and Research, represented by the Austrian Federal Procurement Agency *(Bundesbeschaffung GmbH, BBG).* The bidding phase lasted until 5 March 2021. The Federal Ministry of Education, Science and Research has commissioned the BBG to carry out the award procedure for the procurement of digital end devices for pupils. Due to the magnitude of the order (approximately 320,000 devices for 3 years), the BBG conducted an EU-wide tender as an open procedure in accordance with the Federal Procurement Act 2018. For the procurement of hardware, the tender documents define the technical features that the devices must fulfil (see Technische Spezifikationen.xlsx).

After having reviewed the bids received, lot one and two were awarded in May 2021. Lot 1 concerning respectively notebooks with Windows operating system, was awarded to CANCOM (see *3401.03677_Auswahl_CANCOM.pdf*, *3401.03677_Abschluss_CANCOM_signed_signed.pdf*). Lot 2 was awarded to OMEGA (*3401.03677_Auswahl_Omega.pdf* and *3401.03677_Abschluss_Omega_signed_signed.pdf).* The lots four and five concerning iPadOS and Android tablets were awarded at the end of July 2021 to Omega (see *3401.03677_Auswahl_Omega.pdf, 3401.03677_Abschluss_Omega_signed_signed.pdf, 3401.03677_Auswahl_Omega.pdf* and *3401.03677_Abschluss_Omega_signed_signed.pdf*).

According to Article 59 of the Austrian Public Procurement Law 2018 (*Bundesvergabegesetz 2018*, *BVerG 2018*), the award decisions were also published on the website of the Austrian Business Service Portal (Unternehmensservice Portal).

For the third lot concerning tablets with Windows operating system, the tender under the tender number "GZ 3401.03902" was finalised on 15 November 2021 with the conclusion of an award decision and the signing of the framework agreement afterwards (see *3401.03902_Auswahlentscheidung_A1_signed.pdf* and *3401.03902_Abschluss RVB_A1_signed_signed.pdf)*.

The letters informing the bidders of the award decisions (3401.03677_Auswahl_CANCOM.pdf, *3401.03677_Auswahl_Omega.pdf* and *3401.03902_Auswahlentscheidung_A1_signed.pdf*) are all structured in the same way. The letters highlight for which lots of the tender "digital end-user devices for pupils" a given company submitted their bid(s), they provide an overview of the

companies that were selected for each lot, and they set out the price of the submitted bid(s) in comparison to the winning bid(s). Lastly, the letters specify that the selection took place according to the principle of the lowest bidder.

In the first batch of letters (for lots 1,2,4,5, see *3401.03677_Auswahl_CANCOM.pdf* and *3401.03677_Auswahl_Omega.pdf*) it is also explained that lot 3 could not be awarded during the first tendering procedure due to objective reasons in line with Article 149(2) sub-paragraph 3 of the Federal Procurement Law 2018 *(Bundesvergabegesetz 2018, BVergG 2018):* that is, no economically acceptable result could be achieved.

and ensure that the contract for the provision of digital end-user devices to pupils has been awarded.

After the award decisions were announced, the framework agreements with the winning bidders were signed (for each lot) (see *3401.03677_Abschluss_CANCOM_signed_signed.pdf*, *3401.03677_Abschluss_Omega_signed_signed.pdf*, *3401.03902_Abschluss RVB_A1_signed_signed.pdf*).
Each framework agreement has already been used to place orders for equipment for fifth and sixth grade pupils. Participating schools order the equipment via an online shop. All framework agreements and contracts are entered in this shop and orders from the framework agreements are only possible via the shop.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 53	**Related Measure: 2.B.2 Provision of digital end-user devices to pupils**		
Name of the Target: Digital devices for the first two years of secondary school			
Quantitative Indicator: Percentage of 5th and 6th grade pupils	**Baseline: 0**	**Target: 100**	**Time:** Q4/2021

Context:

The objective of this investment is to provide the technical support for IT-supported lessons by handing out digital devices to all pupils at lower secondary level. The measure consists in a step-by step rollout of digital equipment. Each year, every pupil in the first year of lower secondary school shall receive a digital device. This is expected to benefit at least 80 000 pupils a year. In the first year of implementation (2021/22) two vintages of pupils (meaning also the second year of lower secondary in addition to the first year of lower secondary) received a device.

Target 53 requires the delivery of the devices for the 5th and 6th grade (first and second years of lower secondary level) of the school year 2021/2022.

Target 53 follows the completion of milestone 52 related to the finalisation and publishing of the award decision on the published tender for digital devices. It will be followed by target 54 and target 55, related to the delivery of further devices to the first year of lower secondary school. The investment has a final expected date for implementation in Q4 2024.

Evidence Provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the target requirements (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID Annex) have been satisfactorily fulfilled.
ii. Spreadsheet containing a list of all schools participating in the scheme (Liste der Schulen.xlsx):
iii. Spreadsheet containing an anonymised list of all 5th and 6th grade pupils that have received a digital device (Liste der Seriennummern BMF.xlsx This is accompanied for each pupil by a unique identifier (a serial number) of the digital device that s/he has received.
iv. The following documentary evidence based on a sample selected by the Commission, for each of the pupils selected:
    a. Copy of the delivery note of the digital devices to the schools (*Kopie des Lieferscheins der digitalen Endgeräte an die Schulen*): copy of the certificate of delivery of the device to the participating school
    b. Copy of the documentation of the handover of the digital devices to the pupils in the classes (Kopie der *Dokumentation zur Übergabe von digitalen Endgeräten an Schülerinnen und Schülerim Klassenverband):* a copy of a document showing the pupil's name, grade at the time of receiving the device and the name of the school signed by the principal or a teacher

The authorities also provided:

i. Copy of the Federal Act on Financing of Digitisation of School Instruction (*Bundesgesetz zur Finanzierung der Digitalisierung des Schulunterrichts)*: Copy of the School Digitalisation act (49_01_law_SchDigiG.pdf): the Federal Act on Financing of Digitization of School Instruction as published in the Official Journal (BGBl. I Nr. 9/2021) on 7 January 2021.
ii. Copy of the regulation No 267/2022 amendment of the regulation of curricula for middle schools as well as the curricula for secondary schools (Kopie der 267. Veordnung 2022: *Änderung der Verordnung über die Lehrpläne der Mittelschulen sowie der Verordnung über die Lehrpläne der allgemeinbildenden höheren Schulen):* Rulation No 267/2022, copy of the amendment of the curricula regulation for general secondary schools ("Allgemeinbildende höhere Schulen"), middle schools ("Middle Schools") introducing the new mandatory subject "Digital Basic Education" for all lower secondary schools, as published in the Official Journal (BGBl. 2022 II 267) on 6 July 2022.

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the target.

The delivery of the devices for the 5th and 6th grade (first and second years of lower secondary level) shall be completed.

The Federal Act on Financing of Digitization of School Instruction (*Bundesgesetz zur Finanzierung der Digitalisierung des Schulunterrichts,)* as indicated in Milestone 49 provides the legal basis for the implementation of this measure and the framework conditions for the implementation of the IT-supported lessons at all school locations. It was published on 7 January 2021 and entered into force on 8 January 2021 following Article 10 of the Law. Article 2 of the Law provides that the acquisition of digital devices including relevant licences for pupils and students are the key element of supporting the ICT-supported teaching and learning process at schools. Article 5 sub-paragraph 1 of the Law states that the handover of the digital devices to the pupils takes place through teachers or principals.

The Council Implementing Decision Annex requires for target 53 that 100% of pupils in the first and second year of lower secondary school will receive a digital device. At the same time in the

description of the measure it is stated that the measure is expected to benefit at least 80 000 pupils per year and in the first implementation year (2021/22) two vintages of pupils (that is also sixth grade pupils in addition to fifth grade pupils) shall receive the digital equipment. This is also in line with the number included in the costing exercise. The original wording of the Austrian RRP provides further clarification, that only pupils of those schools which have a digitalisation concept for the pedagogical use of end-user equipment are participating in the scheme and are therefore included. In the first year of implementation, 93% of secondary schools (1500 in absolute terms) complied with the necessary conditions and fulfil the requirements set out in the law (digitalisation concept). Taking these considerations into account, the operational arrangement further specified that the 100% related to the percentage of pupils from schools that are participating in the scheme. In particular, the wording of the further specification reads as follows: "Whilst respecting that this measure is expected to benefit at least 80 000 pupils per year, for the purpose of these operational arrangements the percentage of 5th and 6th grade pupils shall be understood as the percentage of such pupils that are from schools that are participating in the scheme."

In the first year of implementation (2021/22) two vintages of pupils (meaning also the second year of lower secondary in addition to the first year of lower secondary) received a device.

To prove the delivery of at least 160 000 devices to the 5th and 6th grade (first and second years of lower secondary level) in 2021/2022, the Austrian authorities provided two spreadsheets. The first one is the spreadsheet "list of schools" (Liste der Schulen xlsx). It includes the 1553 schools that have participated in the measure in the school year 2021/2022. Furthermore, the Austrian Authorities provided a spreadsheet "list of serial numbers (see Liste der Seriennummern BMF.xlsx), which includes the serial numbers of 160 000 digital devices handed over to pupils in the first and second year of lower secondary school in 2021/2022 as unique identifier. Each row of the table represents a device that has been handed over to a pupil. The serial number and the link between the serial number and the school (school code, name, address fields) can be used to identify the respective pupil who received the device.

Based on the list of serial numbers provided by Austrian authorities, the Commission has drawn a random list of 60 devices on which the Austrian authorities provided as additional evidence for every device a copy of the certificate of delivery of the device (*Lieferschein*) to the pupil's participating school and a copy of a document showing the pupil's name, grade at the time of receiving the device (such as 5^{th} or 6^{th} grade) as well as the name of the school, signed by the principal or a teacher. The evidence provided confirms that the selected device with the respective serial number has been delivered to the school, it confirms the name of the pupil, the respective grade at the time of receiving the device as well as the handover of the device to the respective pupil by the signature of the principal or teacher.

Furthermore, in line with the description of the measure, the objective of the investment is to provide the pedagogical and technical requirements for IT-supported lessons at all school locations, by handing out digital devices to all pupils at lower secondary level. All pupils are expected to have access to digital education under fair and appropriate framework conditions. The central provision of devices and uniform equipment in the participating classes places pedagogical goals at the centre of teaching without interference by the social background of the pupils.

Article 1 of the Law creates a framework for the provision of equipping pupils with digital end devices on a uniform level, the use of digital end devices within a framework of a school-specific overall digitisation concept that considers the special features of each school.
Under Article 5 sub-paragraph 1 of the Law, the devices are transferred to the ownership of the students, Article 5 sub-paragraph 2 of the Law states that a personal contribution (co-financing) of 25% of the device price must be paid. Article 5 sub-paragraph 3 of the Law contains the exemption

criteria, which ensure that pupils from low-income families are not facing financial obstacles to participate in this scheme. Another element ensuring that all pupils have access to digital education under fair and appropriate framework conditions, is the establishment of digital basic education in lower secondary schools. In these schools, a new mandatory subject, digital basic education (*Digitale Grundbildung)* was introduced, following Article 2 sub-paragraph 8 of Regulation No 267/2022.
Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 56	**Related Measure: 2.C.1 Proposed legislation for Once Only: Amendment of the Business Service Portal Act**
Name of the Milestone: Entry into force of the law amending the Business Service Portal Act; upgrade of the relevant IT infrastructure	
Qualitative Indicator: Provision in the law indicating the entry into force of the amendment to the Business Service Portal Act; basic IT infrastructure has been regulated and upgraded	**Time:** Q3 2021

Context:

The reform aims to reduce bureaucracy for business operators and citizens by implementing the *Once Only* principle, which reduces multiple reporting. The reform includes legislative amendments in order to establish the mandatory application of the *Once Only* principle in administrative proceedings. It also envisages the set-up of the basic infrastructure for administrations across regional authorities to be able to design reporting processes and services in accordance with the *Once Only* principle.

Milestone 56 concerns the entry into force of the legislative amendment which introduces the Once Only principle to the Business Service Portal Act. The milestone also requires that the Information Obligation Database (IVDB) survey tool is available on a pilot basis and that it provides an overview of all the data available in the administration (data map), allowing evaluation of data availability across departments. Moreover, the milestone envisages that the Register and Systems Network (RSV) is available in a base version with other connected registries to ensure interoperability and data exchange.

Milestone 56 is the first step of the implementation of the reform. It will be followed by milestone 57, related to connecting the administrative registries, preparing the Single Digital Gateway, and obliging ministries to populate the Information Obligation Database (IVDB), and milestone 58, related to the establishment of the Once Only technical system connection, meeting the requirements of the Single Digital Gateway set in Regulation (EU) 2018/1724, aimed at providing citizens and businesses with easy access to the information, procedures, and assistance and problem-solving services that they need in order to exercise their rights in the internal market. The reform has a final expected date for implementation on 31 December 2023.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the milestone requirements (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID Annex) have been satisfactorily fulfilled;

ii. Copy of the amendment of the Business Service Portal Act (*Bundesgesetz, mit dem das Unternehmensserviceportalgesetz geändert wird, BGBl. I Nr. 142/2021*) introducing the Once Only principle, published in the Official Journal on 26 July 2021 (BGBLA_2021_I_142.pdf), and the link: https://www.ris.bka.gv.at/eli/bgbl/I/2021/142;

iii. Copy of the acceptance protocol, signed by the Austrian Federal Computing Centre (Bundesrechenzentrum) and the Ministry of Digitalisation and Economic Affairs (BMDW)[2] confirming that the Information Obligation Database (IVDB) survey tool is available on a pilot basis (2021-09-27_Projektabnahmeprotokoll_IVDB_-_Umsetzung_1.0_s_signed.pdf). The signatures are dated 27 September 2021;

iv. Copy of the first acceptance protocol of the Register and Systems Network (RSV)'s Admin Interface. Since the product exhibited some minor defects the acceptance was only conditionally granted on fixing these defects by 1 March 2022 (AIF_Abnahmeprotokoll_Dez_2021_s.pdf). The acceptance protocol is signed by the Austrian Federal Computing Centre (Bundesrechenzentrum, BRZ) and the Ministry of Digitalisation and Economic Affairs (BMDW) and dated 21 December 2021;

v. Copy of the acceptance protocol confirming that the Register and Systems Network (RSV) is available in a base version with other connected registries and that it ensures interoperability and data exchange (RSV_Abnahmeprotokoll_Q1_2022_s.pdf). It is signed by the Austrian Federal Computing Centre (Bundesrechenzentrum, BRZ) and the Ministry of Digitalisation and Economic Affairs (BMDW) and dated 4 April 2022.

The authorities also provided:

i. Presentation of the operation review for the Once Only platform (OOP), compiled by the Austrian Federal Computing Centre (BRZ), dated 1 September 2022 (2022-07-OOP.cleaned.pptx). It includes an overview of the user numbers of the IVDB and RSV based on the data up to and including July 2022.

ii. Presentation by BMDW on the functionalities of the IVDB and an overview of all data available in the administration (data map) and data availability across departments, dated 28 September 2022 (DatenIVDB_Umsetzungsnachweis.pdf);

iii. Series of screenshots illustrating the functionalities of the RSV, compiled by the Ministry of Finance on 22 August 2022 (BMF_Once_Only_RSV_Admin_GUI_Screenshots.pdf);

iv. Official protocol letter signed by BMDW, dated 21 December 2020, based on a meeting of the dedicated task force, which includes the confirmation that the Once Only principle is funded by the digitalisation fund in 2021 (2020-0.838.037-27-A_-_OnceOnly.pdf).

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

Legislative amendment introducing the Once Only principle to the Business Service Portal Act has entered into force.

The amendment to the Business Service Portal Act published in the Official Journal on 26 July 2021 *(hereinafter referred to as "Amending Act")* introduced the Once Only principle through the establishment of a Once Only platform, with the aim to ensure that no administrative burdens, beyond the absolutely necessary, arise from information obligations for citizens or companies (Article 1(3) of the Business Service Portal Act as amended by point 1 of the Amending Act.

[2] At this point in time, the Ministry of Digitalisation and Economic Affairs (BMDW) was the responsible authority. Due to an amendment of the Federal Ministerial Law ("Bundesministeriengesetz"), the responsibility moved to the Federal Ministry of Finance on 18 July 2022. Link to the legal basis in the official journal: https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2022_I_98/BGBLA_2022_I_98.html. See in particular, F.(15).

Moreover, the Amending Act aims at simplifying the technical framework conditions for the exchange of information across authorities (Article 1(3) of the Amending Act). The Once Only platform consists of the following parts: (i) information obligation database *(Informationsverpflichtungsdatenbank, IVDB)*, which is a database containing non-personal descriptions of information obligations for citizens or companies, and (ii) register and system network *(Register- und Systemverbund, RSV)*, which is a network for the inter-agency exchange of structured electronic information held in a database or register at a public authority or other institution (Article 1(3) and Article 2(5) of the Business Service Portal Act as amended by, respectively, points 1 and 2 of the Amending Act).

According to Article 6 of the Business Service Portal Act as amended by point 3 of the Amending Act, the Federal Minister for Digitisation and Economic Affairs shall commission the Austrian Federal Computing Centre *(Bundesrechenzentrum GmbH, BRZ)* with the establishment, operation and further development of a Once Only platform. Insofar as the laws provide for the inter-agency exchange of information held by an authority or other institution by means of the Once Only platform, the Federal Minister for Digitalisation and Economic Affairs will enable the inter-agency exchange of such information in accordance with the laws.

According to Article 8(8) of the Business Service Portal Act as amended by point 5 of the Amending Act, the relevant provisions of the amended Business Service Portal Act introducing the Once Only principle (notably Article 1(3) and Article 2(5)) enter into force on the day following the day of the announcement. The announcement of the Amending Act took place on the date of its publication in the Official Journal on 26 July 2021. Therefore, the legislative amendment introducing the Once Only principle to the Business Service Portal Act entered into force on 27 July 2021.

Furthermore, in line with the description of the measure, the amendment of the Business Service Portal Act shall serve as a basis for further relevant legislative measures.

Article 6(6) of the Business Service Portal Act as amended by point 3 of the Amending Act provides the legal basis for the Federal Minister for Digitalisation and Economic Affairs to issue further relevant legislative measures. In particular, the Minister may decree more detailed provisions in order to ensure a uniform procedure, in particular for defining interface specifications and standardised transmission formats, as well as uniform requirements, which are relevant for the implementation of the Once-Only principle.

Furthermore, in line with the description of the measure, the set-up of the basic infrastructure for administrations across regional authorities to be able to design reporting processes and services in accordance with the Once Only principle shall be funded in 2021 by the digitalisation fund.

This was agreed in a meeting of the designated task force on 17 December 2020, as documented in a protocol letter dated 21 December 2020, based on a meeting of the dedicated task force, submitted by the Austrian authorities (2020-0.838.037-27-A_-_OnceOnly.pdf). Among the projects to be financed through the digitalisation fund, the letter lists the "Business Service Portal" (bullet point 1), "Implementation of the Single Digital Gateway Regulation" (bullet point 2) and "Once Only" (bullet point 4). In line with the qualitative indicator set out in milestone 56 in the Annex to the Council Implementing Decision, the basic IT infrastructure is both regulated (notably, through the Amending Act) and upgraded (as evidenced by the development and launch of the Information Obligation Database (IVDB) survey tool and the Register and Systems Network (RSV)).

Furthermore, in line with the description of the measure, as a first step, entrepreneurs at national level shall benefit from the measure.

Sole proprietorships (EPUs) and single-member companies can already complete all start-up steps on Business Service Portal fully digitally. Registration for administrative procedures according to the Once Only principle is already possible (for example, registration for the services of the Austrian

Federal Economic Chamber (WKÖ), Finanz Online, social insurance services). Companies can enter all necessary data in one place online (at the Business Service Portal (*Unternehmensserviceportal, USP*)) and do not have to appear on site. A dedicated website of the Ministry of Finance and Digital Austria, explaining also the Once Only principle, is available to entrepreneurs (https://www.digitalaustria.gv.at/initiativen/wirtschaft/projekte-wirtschaft/projekt-once-only.html).

The Information Obligation Database (IVDB) survey tool is available on a pilot basis.

The IVDB is the core component of the Once Only platform (Article 1(3) of the Business Service Portal Act as amended by point 1 of the Amending Act). It provides the central system of management to capture and collaboratively manage information obligations (*Informationsverpflichtung, IVP)* arising from legal regulations. The IVP provides the legal basis for the provision of information by companies and citizens to administrative units. Furthermore, the IVDB is used for authorisation control for lawful data exchange via the Register and Systems Network (RSV), which interconnects decentralised registers and handles the exchange of data between existing registers. The target users of the IVDB are exclusively the Austrian authorities.

The IVDB was developed and accepted, as evidenced by the copy of the acceptance protocol, signed by the Austrian Federal Computing Centre *(Bundesrechenzentrum, BrZ)* and the Ministry of Digitalisation and Economic Affairs (BMDW)[3] on 27 September 2021 (2021-09-27_Projektabnahmeprotokoll_IVDB_-_Umsetzung_1.0_s_signed.pdf). Notably, the protocol states that the acceptance is without conditions, including that no defects exist, and all conditions are met.

Following its acceptance, the IVDB was made available for internal use on a pilot basis in Q3 2021 and was subsequently presented to various authorities. Given the pilot version of the IVDB, currently only the information obligations of one ministry (Ministry of Labour and Economic Affairs) are recorded in the database; the rollout to all ministries is planned for the end of Q1 2023. The internal presentation of 28 September 2022 (DatenIVDB_Umsetzungsnachweis.pdf) contains screenshots of the IVDB and detailed information on its functionalities. The IVDB is accessible and available via Portal Austria for authorities (DatenIVDB_Umsetzungsnachweis.pdf, page 7).

In addition, a presentation by the Austrian Federal Computing Centre (BRZ) of 1 September 2022 (2022-07-OOP.cleaned.pptx) contains data on the availability of the pilot version of the IVDB. The presentation states that the IVDB was available between 99.89% and 100% during business hours in the months of January to July 2022 (page 6).

The tool shall provide an overview of all the data available in the administration (data map), allowing evaluation of data availability across departments.

The legal basis for the above-mentioned functionality is Article 6(2) of the Business Service Portal Act as amended by point 3 of the Amending Act (evidence document 2) which provides for the inter-agency exchange of information, held by an authority or other institution, in accordance with the laws.

The presentation of 28 September 2022 (DatenIVDB_Umsetzungsnachweis.pdf) explains that in the pilot version of IVDB an application was implemented, which provides an overview of all data available in the administration (data map) (page 4 of the presentation). Such overview allows the

[3] At that point in time, the Ministry of Digitalisation and Economic Affairs (BMDW) was the responsible authority. Due to an amendment of the Federal Ministerial Law ("Bundesministeriengesetz"), the responsibility moved to the Federal Ministry of Finance on 18 July 2022. Link to the legal basis in the Official Journal: https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2022_I_98/BGBLA_2022_I_98.html (in particular, F.(15)).

evaluation of data availability across departments, given that it shows which data is available and which is not.

By September 2022, 46,600 data points were recorded in the IVDB by the Ministry of Labour and Economic Affairs (page 4 of the presentation DatenIVDB_Umsetzungsnachweis.pdf). Those data points include, for example, designation/name, personal/company attributes, location and contact details.

The Register and Systems Network (RSV) is available in a base version with other connected registries to ensure interoperability and data exchange.

The Register and Systems Network (RSV) is the central data hub of the Once Only platform. The legal basis for the functionalities of the RSV is set out in Article 2(5) of the Business Service Portal Act as amended by point 2 of the Amending Act, which states that the RSV enables exchange of structured electronic information held in a database or register by a public authority or other institution. Thanks to making such an exchange of information possible, the RSV relieves the burden on the administration, companies and citizens. Through the RSV, data can be retrieved directly from connected data sources (for example, registers) quickly, securely, and in high quality while complying with data protection laws, which means that companies and citizens do not have to report them repeatedly.

The developed RSV was accepted by the Austrian authorities in two steps. First, the product "RSV Admin Interface" was conditionally accepted by the Ministry of Digitalisation and Economic Affairs (BMDW) on 21 December 2021, as evidenced by the acceptance protocol of the same date (AIF_Abnahmeprotokoll_Dez_2021_s.pdf). The acceptance protocol states that the presented product is subject to minor deficiencies, which are described on page 2. The deadline for the corrections was set for 1 March 2022. Second, the Ministry of Digitalisation and Economic Affairs (BMDW) and the Austrian Federal Computing Centre *(Bundesrechenzentrum, BRZ)* signed the final acceptance protocol (RSV_Abnahmeprotokoll_Q1_2022_s.pdf) on 4 April 2022. The final acceptance protocol confirms that the developed products comply with the specifications in the contract and that the measures necessary for the start of operations have been taken (page 1).

The RSV is already used for displaying company data from the company register on the Business Service Portal (USP). The RSV is also used for automatic data exchange between the company register and the Federal Ministry of Finance. Currently, the RSV is connected to the firm book *(Firmenbuch)*, the business register *(Unternehmensregister)* and the web-application "FABE" (FABE supports the business processes of the anti-fraud units of the Federal Ministry of Finance), ensuring interoperability and data exchange. The RSV's connection to these registries is evidenced by the acceptance protocol (RSV_Abnahmeprotokoll_Q1_2022_s.pdf), which covers the products "Data provider firm book, "Data provider business register" and "Data provider FABE". Given that currently the RSV operates in a base version, connection with further registers and other use cases are planned at a later stage following the expansion of the RSV (summary document, page 9).

The Austrian authorities also provided a presentation on the functionalities of the RSV in the form of a series of screenshots (BMF_Once_Only_RSV_Admin_GUI_Screenshots.pdf). In particular, the presentation shows the home screen of the RSV (page 5), the entry of master data (page 6), example of an inquiry into a registry (page 7), and overview of all relevant inquiries and their status (page 14).

Moreover, further evidence supports the availability and use of the RSV. The presentation by the Austrian Federal Computing Centre ("BRZ") of 1 September 2022 provides an overview of the number of inquiries made on the RSV (2022-07-OOP.cleaned.pptx). According to the presentation, in January to July 2022, a total of 158,978 inquiries were made on the business register through the RSV (page 3). In the firm book registry, 371 inquiries were made through the RSV over the period

January to July 2022 (page 4). The presentation also states that the RSV core was available 99.61% to 100% of the time during business hours (page 5).
Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 59	**Related Measure: 2.C.2 Digitalisation fund public administration**
Name of the Milestone: Entry into force of the Digitalisation Fund Act	
Qualitative Indicator: Provision in the Digitalisation Fund Act indicating its entry into force	**Time:** Q2 2021

Context:

The investment aims to contribute to developing citizen-centred service-oriented administration with a modern digital infrastructure. The objective is to accelerate digitalisation in the federal administration by financing cross-departmental projects to implement IT consolidation in the federal government, develop IT services for citizens and businesses, and optimise procedures. The projects are submitted by federal departments and selected by the dedicated task force.

Milestone 59 relates to setting the legal basis for the establishment of the Digitalisation Fund to finance the digitalisation projects in the federal government.

Milestone 59 is the first step of the implementation of the investment. It will be followed by milestone 60, related to the selection of projects to be funded, and target 61, related to the completion of all funded projects. The investment has a final expected date for implementation on 31 December 2023.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the milestone requirements (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID Annex) have been satisfactorily fulfilled;
ii. Copy of the publication of the Digitalisation Fund Act *(Digitalisierungsfondsgesetz*) in the Official Journal, dated 27 May 2021.

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The Digitalisation Fund Act ("the Act") entered into force.

The Act entered into force on 1 January 2021, as stated in Article4 of the Act. That paragraph also states that the Act expires on 31 December 2022. This is due to the fact that the purpose of the Digitalisation Fund is to provide temporary start-up financing to kick-start the digitalisation projects over the period of two years (Article3(1) of the Act). The projects to be funded will be selected during the validity of the Act, that is, by Q2 2022, in line with milestone 60. The budgetary commitments made during the validity of the Act will be respected on the basis of the generally

applicable laws (notably, Article 55 and Article 56 of the Federal Budget Act 2013). The implementation of the projects and the necessary payments will be administered until the projects are completed.

The Act establishes the digitalisation fund, with the objective to accelerate digitalisation of the federal administration.

The fulfilment of the abovementioned requirement follows from Article1(1) and (2) of the Act which state, respectively, that "*This Federal Act establishes the 'Digitalisation Fund'*…" and "*The Fund's objective is to boost digitalisation in the federal administration […] by financing projects with a cross-departmental effect*". The Fund will be endowed with up to EUR 80 million per year for the years 2021 and 2022 (Article2 of the Act).

Furthermore, in line with the description of the measure the investment implements IT consolidation in the federal government, develops IT services for citizens and businesses, and optimises procedures.

The financing of projects in these three areas is specifically mentioned in Article3 (1) of the Act;

Furthermore, in line with the description of the measure the investment consists of funding the projects submitted by federal departments and selected by the dedicated task force.

The procedure for applications and project selection is set out in Article 3(3) and (4) of the Act. In particular, those provisions specify that applications are to be submitted by the budget management authorities (which includes federal ministries, in accordance with Article6 of the Federal Budget Law 2013) to the Federal Minister for Digital and Economic Affairs who decides on the selection of specific projects and their financing in agreement with the Federal Chancellor, Federal Minister for Finance and Federal Minister for Art, Culture, Public Service and Sport. The above-mentioned federal ministers (or their nominated representatives) amount to the dedicated task force, mentioned in the description of the measure.

Furthermore, in line with the description of the measure the Act envisages to use at least half of the funds for cross-departmental projects to implement IT consolidation in the federal government.

The other part of the funds is earmarked for projects with a cross-departmental impact for the development of citizen and business services and for projects aimed at accelerating and improving the efficiency of procedures. This follows from Article3(2) of the Act, which states that at least half of the funds should be used for cross-departmental projects regarding the implementation of IT consolidation in the federal government. This implies that the remaining funds are to be used for the types of cross-departmental projects mentioned in Article3 (1)2 and Article3 (1)3 of the Act, that is, projects to expand services for citizens and companies and projects to accelerate and improve the efficiency of procedures.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 62	**Related Measure: 2.D.1 Digitalisation of SMEs**
Name of the Milestone: Approval and publication of the relevant guidelines and contracts for KMU.DIGITAL 3.0	

Qualitative Indicator: Approval and publication of the funding guidelines and conclusion of the contracts with the Austrian Economic Chamber (WKÖ) and Austria Wirtschaftsservice GmbH (AWS) for KMU.DIGITAL 3.0	**Time:** Q1 2021

Context:

The measure aims to help SMEs get advice on designing, implementing and scaling up their digitisation projects, in order to improve competitiveness.

The investment consists of two support programmes KMU.DIGITAL 3.0 and KMU.E-Commerce. KMU.DIGITAL 3.0 provides advisory support and implementation support for concrete digitisation projects. KMU.E-Commerce shall support SMEs in the implementation of concrete e-commerce projects and shall provide funding for new investments into e-commerce.

Milestone 62 concerns laying the groundwork for KMU.DIGITAL. It consists in the conclusion of the relevant contracts with Austrian Economic Chamber (*Wirtschaftskammer Österreich*, hereinafter referred to as WKÖ) and Austria Economic Service (*Austria Wirtschaftsservice*, hereinafter referred to as AWS) and the corresponding funding guidelines being approved and published.

M62 is the first step of the implementation of the investment, and it is accompanied by Milestone 63 in this payment request. It will be followed by target 64, related to the completion of 15300 digitalisation projects under KMU.DIGITAL and KMU.E-Commerce. The investment has a final expected date for implementation in December 2023.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document: A document justifying how the requirements of the milestone (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID annex) have been satisfactorily fulfilled.

ii. a copy of the concluded contracts
   a. for the advisory module of KMU.DIGITAL 3.0 with WKÖ (*Wirtschaftskammer Österreich*): agreement between the Republic of Austria represented by the federal ministry of digitalisation and economic matters and WKÖ on the cooperation on the funding program KMU.DIGITAL 3.0, GZ. 2021-0.047.942 (*Vereinbarung (Kooperationsvereinbarung) zwischen einerseits dem Bund, vertreten durch das Bundesministerium für Digitalisierung und Wirtschaftsstandort (BMDW) und andererseits der Wirtschaftskammer Österreich (WKÖ) über die Zusammenarbeit im Rahmen des Förderprogrammes KMU.DIGITAL 3.0*), hereinafter referred to as "cooperation agreement on KMU.DIGITAL 3.0 (advisory)".
   b. for the implementation module of KMU.DIGITAL 3.0 with AWS: implementation contract for KMU.DIGITAL 3.0, GZ: 2021-0.047.920 (BMDW/KMU.DIGITAL 3.0) (*Abwicklungsvertrag zur Richtlinie „KMU.DIGITAL 3.0"*), hereinafter referred to as "contract on KMU.DIGITAL (implementation)".

iii. Copy of the published approved funding guidelines,
   a. For the module advisory support of KMU.DIGITAL 3.0: the second attachment to the cooperation agreement on KMU.DIGITAL 3.0 advisory called "project description KMU.Digital 3.0 advisory module" (*Projektbeschreibung „KMU.DIGITAL 3.0" Modul Beratung*), henceforth "funding guidelines for advisory support". The funding guidelines for advisory support are also available online at

https://www.kmudigital.at/Content.Node/kampagnen/kmudigital/kmu.digital-3.0-projektbeschreibung.pdf.

b. For the implementation module of KMU.DIGITAL 3.0: guideline for SME-digitalisation funding ‚KMU.DIGITAL 3.0' – implementation module (*Richtlinie für eine KMU-Digitalisierungsförderung „KMU.DIGITAL 3.0" -Modul Umsetzung*), which is the first attachment to the contract on KMU.DIGITAL 3.0 (implementation). It will henceforth be called "funding guidelines for implementation support". The funding guidelines for implementation support are also available online at https://www.kmudigital.at/Content.Node/kampagnen/kmudigital/kmu.digital-3.0-foerderrichtlinien.pdf.

The authorities also provided:

i. 62_03_KMU.DIGITAL WKÖ-Beratung RL.pdf: a set of screenshots of the website on which the funding guidelines for advisory support are published confirming the publication.

ii. 62_05_KMU.DIGITAL AWS-Umsetzung RL veröffentlicht.pdf: a set of screenshots of the website on which the funding guidelines for implementation support are published confirming the publication.

Analysis:

In their request for payment, the Austrian Authorities made reference to the existence of a clerical error in the Council Implementing Decision, with respect to the description of measure 2.D.1 Digitalisation of SMEs.

In particular, for 2.D.1, the description of the measure does not reflect the meaning as laid out in the National Recovery and Resilience Plan (NRRP) accurately. While the NRRP states that implementation support shall be conditional on having completed a consultation under the advisory support scheme, the annex to the Council Implementing Decision limits implementation support to digitisation projects for which advisory support was provided.

The Commission considers that these are clerical errors and has undertaken the assessment on this basis.

Against this background, the justification and substantiating evidence provided by the Austrian authorities cover all constitutive elements of the milestone.

The relevant contracts on KMU.DIGITAL 3.0 have been concluded with WKÖ or AWS.
The Austrian authorities submitted a copy of the cooperation agreement on KMU.DIGITAL 3.0 (advisory) signed by the Federal Ministry for Digital and Economic Affairs and WKÖ. Furthermore, Austria submitted the contract on KMU.DIGITAL (implementation) signed by the Federal Ministry for Digital and Economic Affairs and AWS.

The corresponding funding guidelines have been approved and published.
Austria provided a copy of both funding guidelines, screenshots showing the website from which the funding guidelines can be accessed as well as weblinks to the funding guidelines themselves.

Furthermore, in line with the description of the measure, advisory support involves personalised advice to Austrian SMEs by certified consultants on four topics:

- Advisory support involves individualised advice to Austrian SMEs. Section 2.1, page 3 of the funding guidelines for advisory support specify that funding applicants are entities that are considered SMEs within the meaning of EC recommendation regarding the definition of

micro, small and medium-sized enterprises, in the currently applicable version, most recently OJ No. L 124 of 20.5.2003, page 36 ff.

- The advice will be given by certified consultants, as section 3.1, page 4 of the funding guidelines for advisory support specifies.
- Advice will be given on four topics: i) business models and processes (including resource optimisation), Tool SB1; ii) e-commerce and online marketing, Tool SB2; iii) IT and cyber security, Tool SB3; and iv) digital administration, Tool SB4. This is provided by the funding cases ("tools") defined in section 3.1, page 4 of the funding guidelines for advisory support.

Furthermore, in line with the description of the measure, implementation support shall be granted to companies that were already advised under the advisory support scheme

- Section 3 of the funding guidelines for implementation support specifies that implementation support can only be requested and implemented following a previous advisory support as part of the "KMU.DIGITAL 3.0" funding program of the WKÖ (these are all tender rounds that have taken place under "KMU.DIGITAL" and under "KMU.DIGITAL 3.0 "). Moreover, the objectives of projects for which implementation support can be granted are specified to be digitisation of business models and business processes (incl. resource optimization), introduction or improvement of e-commerce and online marketing, introduction or improvement of IT and cyber security and introduction or improvement of digital administrative processes.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 63	**Related Measure: 2.D.1 Digitalisation of SMEs**
Name of the Milestone: Approval and publication of the relevant guidelines and contracts for KMU.E-Commerce	
Qualitative Indicator: Approval and publication of the funding guidelines and conclusion of the contract with AWS	**Time:** Q1 2021

Context:

The measure aims to support the digitalisation of small and medium-sized enterprises, especially in the area of e-commerce. To that end, small and medium-sized enterprises are provided with a subsidised consultation on digitalisation of their business and support for implementing digitalisation projects (both under programme KMU.DIGITAL 3.0). The programme KMU.E-Commerce focusses its support on the implementation of e-commerce projects, such as web-shops and mobile shopping.

Milestone 63 consists of the relevant contracts on KMU.E-Commerce being concluded with the Austrian Economic Service (*Austria Wirtschaftsservice GmbH*, hereinafter referred to as "AWS") and the corresponding funding guidelines being approved and published. The conclusion of the contracts and publication of the funding guidelines enables small and medium-sized enterprises to apply for funding and are thus a necessary step in the implementation of the measure.

Milestone 63 is the second milestone of the investment. In this payment request, it accompanies milestone 62, which sets up KMU.DIGITAL 3.0. It will be followed by target 64 aiming for a combined amount of 15300 projects completed under KMU.DIGITAL 3.0 and KMU.E-Commerce. The investment has a final expected date for implementation by 31 December 2023.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the requirements of the milestone (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the Council Implementing Decision Annex) have been satisfactorily fulfilled.
ii. Copy of the published approved funding guidelines for KMU.E-Commerce (*Richtlinie für eine KMU-Digitalisierungsförderung „KMU.E-Commerce" des Bundesministeriums für Digitalisierung und Wirtschaftsstandort*) as signed on 18 March 2021 and published on 19 March 2021 on the AWS's website (https://www.aws.at/fileadmin/user_upload/Downloads/Richtlinie/ab_20200908_KMU.E-Commerce_RL.pdf).
iii. Copy of the concluded contracts for KMU.E-Commerce with AWS. (*Abwicklungsvertrag zur Richtline „KMU.E-Commerce*", *Geschäftszahl 2021-0.071.395*).

The authorities also provided:

iv. Screenshots of the website on which the funding guidelines are published, confirming the publication of approved funding guidelines.

Analysis:
The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The relevant contract on KMU.E-Commerce has been concluded with the AWS.
Austria provided the contract governing the implementation of KMU.E-Commerce, concluded between AWS and the Republic of Austria on 26 March 2021.

The relevant funding guidelines have been approved and published.
Austria provided a copy of the signed, approved and published funding guidelines.

Furthermore, in line with the description of the measure, KMU.E-Commerce supports small and medium-sized enterprises in the implementation of concrete e-commerce projects and provides funding for new investments into e-commerce and related services from external providers at a rate of 20% up to a maximum amount of EUR 12 000 per recipient:

- the funding guidelines for KMU.E-Commerce specify in section 4 that the applicants for funding are entities qualifying as small and medium-sized enterprises within the meaning of the Commission's recommendation on the definition of small and medium-sized enterprises (OJ L 124, 20.5.2003, pages 36–41).
- Section 3 of the funding guidelines specifies that funding is provided for new investments into e-commerce as well as for costs for related services from external providers.
- The funding occurs at a rate of 20% (up to a maximum amount of EUR 12 000 per recipient), as specified in section 6.1 of the funding guidelines.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 65	**Related Measure: 2.D.2 Digital investments in enterprises**
Name of the Milestone: Entry into force of the amendment to the Investment Premium Act to reflect the budget increase as a result of the RRP	
Qualitative Indicator: Provision in the law indicating the entry into force of the amendment to the Investment Premium Act.	**Time:** Q2 2021

Context:

The investment aims to encourage companies' investments into digitalisation and thus direct them towards forward-looking priority areas. It consists of a 14% subsidy for digital investments. Eligible for the subsidy are investments into the digitalisation of business models and processes (which includes Industry 4.0 and e-commerce), as well as investments in the introduction or improvement of IT and cyber security measures.

Milestone 65 consists of the entry into force of the amendment to the Investment Premium Act which increases the budget for the premiums.

Milestone 65 is the first step of the implementation of the investment, and it will be followed by targets 66 and 67, aiming at having supported a total of 3000 and then 7000 companies in their digitalisation efforts. The investment has a final expected date for implementation on 31 March 2025.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. A summary document duly justifying how the milestone (including all its constitutive elements as set out in the description of the milestone and of the corresponding measure in the CID Annex) has been satisfactorily fulfilled.
ii. A copy of the publication of the amendment to the Investment Premium Act (*Änderung des Investitionsprämiengesetzes*) in the Official Journal of Austria (law BGBl. I Nr. 95/2021)
iii. A copy of the amended funding guidelines (*Förderungsrichtlinie "COVID-19-Investitionsprämie für Unternehmen",* Version of 28 May 2021)

The authorities also provided:

i. A consolidated version of the amended Investment Premium Act (BGBl. I Nr. 88/2020).

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

Entry into force of the amendment to the Investment Premium Act (law BGBl. I Nr. 95/2021). The amending act was published on 28 May 2021 in the Official Journal of Austria and entered into force the following day, in accordance with §5(1d) of the amending act.

The amending act provides for a budget increase to reflect the availability of RRF funds for support to eligible digital investments by companies. The amending act specifies that in §1 (3) last sentence of the Investment Premium Act the amount of EUR 3 billion is to be replaced by EUR 7.8 billion which increases the budget available to support eligible digital investments.

Furthermore, in line with the description of the measure in the Annex to the Council Implementing Decision, the support was granted for new tangible and intangible investments into depreciable capital assets of companies permanently established in Austria and shall encourage in particular investments in the digitalisation of business models and processes, including for Industry 4.0 and e-

commerce, as well as investments in the introduction or improvement of IT and cyber security measures:

- §2 (1) of the amended Investment Premium Act provides that tangible and intangible investments into depreciable capital assets of companies established in Austria are eligible for funding
- §2 (4) of the amended Investment Premium Act specifies that funding applicants must be established in Austria, either with an official headquarters (*Sitz*) or a permanent operational unit (*Betriebstätte*). Section 5.1.1 of the funding guidelines further stipulates that eligible are companies with an official headquarters (Sitz) and/or a permanent operational unit (*Betriebstätte*) within the meaning of the Austrian Commercial Code (*Bundesgesetz über besondere zivilrechtliche Vorschriften für Unternehmen (Unternehmensgesetzbuch – UGB*), dRGBl. S 219/1897 (GBlÖ Nr. 86/1939)). §1 (2) of the Austrian Commercial Code stipulates that a company is a permanently established organisation of independent economic activity, even if it is not profit-oriented.
- §2 (5) provides that the investment premium overall is a grant of 7% of the investment amount. For digital investments, the investment premium is 14%, thus encouraging investment into digitalization twice as much as other types of investment.
- Eligible investments are specified further in attachment 2 of the funding guidelines stating that in particular investments in the digitalisation of business models and processes, including for Industry 4.0 and e-commerce (2.), as well as investments in the introduction or improvement of IT and cyber security measures (3.) are eligible.

Furthermore, in line with the description of the measure in the Annex to the Council Implementing Decision, the law and the funding guidelines exclude climate-damaging investments such as investments into equipment or installations that directly use fossil fuels.

- §2 (2) of the Investment Premium Act provides that climate-damaging investments are not eligible, and thus excluded from funding.
- Section 6.3 of the funding guidelines provides that payment is conditional on all requirements of the funding guidelines being fulfilled. This includes that the investment is not climate-damaging as set out in §2 (2) of the Investment Premium Act and section 4.1 of the funding guidelines.

The Council Implementing Decision required that payments be conditional on submitting evidence that excludes negative impacts on environmental and climate objectives. The investment premium act (§2 (2) and (3)) and the funding guidelines (section 5.4) exclude investments from funding that are harmful to environmental or climate objectives. The funding guidelines also emphasize that payment is conditional on all requirements of the funding guidelines being fulfilled (section 6.3), this includes the non-eligibility of climate-damaging investments and of environment-damaging investments. They further demand that the recipient of funding must confirm compliance and acknowledgement that a misrepresentation makes the funding applicant liable to criminal prosecution and steep fines as well as prison sentences (section 6.7). Such misrepresentations can be detected by the examinations of the implementing agency (section 6.2 of the funding guidelines). Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, the ex-ante exclusion of harmful activities by the investment premium act and the ex-post checks by the implementing agency together with the risk of potential financial and judicial follow-up (section 6.7 and 6.8) faced by recipients in case of misrepresentation provides sufficient assurance that investments funded will have no negative impacts on climate or environmental objectives. 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 this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.
Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 68	**Related Measure: 2.D.3 Green investments in enterprises**
Name of the Milestone: Entry into force of the amendment to the Investment Premium Act to reflect the budget increase as a result of the RRP	
Qualitative Indicator: Provision in the law indicating the entry into force of the amendment to the Investment Premium Act	**Time:** Q2 2021

Context:

The investment aims to encourage companies' investments into ecological transformation and thus direct them towards forward-looking priority areas. It consists of a 14% subsidy for investments in the priority areas of green transition, such as thermal renovations of buildings, heating optimisation and other energy saving measures, production of renewable energy, photovoltaic and electricity storage systems, zero-emission vehicles, charging stations.

Milestone 68 consists of the entry into force of the amendment to the Investment Premium Act which increases the budget for the premium.

Milestone 68 is the first step of the implementation of the investment. It will be followed by the subsequent targets 69, 70, 71 and 72, which cover quantitative indicators for specific investment in e-mobility, thermal renovation of buildings, solar energy, and energy savings respectively.

The investment has a final expected date for implementation on 31 March 2025.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. A summary document duly justifying how the milestone (including all its constitutive elements as set out in the description of the milestone and of the corresponding measure in the CID Annex) has been satisfactorily fulfilled.
ii. A copy of the publication of the amendment to the Investment Premium Act (*Änderung des Investitionsprämiengesetzes*) in the Official Journal of Austria (BGBl. I Nr. 95/2021)
iii. A copy of the amended Funding guidelines (*Förderungsrichtlinie "COVID-19-Investitionsprämie für Unternehmen",* Version of 28 May 2021)

The national authorities also provided:

i. A consolidated version of the amended Investment Premium Act (BGBl. I Nr. 88/2020).

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

Entry into force of the amendment to the Investment Premium Act. The amending act (BGBl. I Nr. 95/2021) was published on 28 May 2021 in the Official Journal of Austria and entered into force the following day, in accordance with §5(1d) of the amending act.

The amending act is providing for a budget increase to reflect the availability of the RRP funds for support of green investments by companies. The amending act specifies that in §1 (3) last sentence of the Investment Premium Act the amount of EUR 3 billion is to be replaced by the amount of EUR 7.8 billion, which increases the budget available to support eligible green investments.
Furthermore, in line with the description of the measure in the Annex to the Council Implementing Decision, support in the form of a 14% investment premium was granted for new tangible and intangible investments in depreciable capital assets of companies permanently established in Austria to encourage investment in the priority areas of green transition, such as thermal renovations of buildings, heating optimisation and other energy saving measures, production of renewable energy, photovoltaic and electricity storage systems, zero-emission vehicles, and charging stations:

- §2 (1) of the amended Investment Premium Act provides that tangible and intangible investments into depreciable capital of companies in Austria are eligible for funding;
- §2 (4) of the amended Investment Premium Act specifies that funding applicants must be established in Austria, either with an official headquarters (‘*Sitz’*) or a permanent operational units (‘*Betriebstätte’*). Section 5.1.1 of the funding guidelines further stipulates that eligible are companies with an official headquarters (‘Sitz’) and/or a permanent operational units (‘Betriebstätte’) within the meaning of the Austrian Commercial Code (‘Unternehmensgesetzbuch dRGBl. S 219/1897 (GBlÖ Nr. 86/1939)’). §1 (2) of the Austrian Commercial Code stipulates that ‘company is a permanently established organisation of independent economic activity, even if it is not profit-oriented’.
- §2 (5) of the amended Investment Premium Act provides that the investment premium overall is a grant of 7% of the investment amount. For new investments in the area of ecological transformation (‘*Ökologisierung’*) the investment premium consists of a 14% grant; encouraging green investment twice as much as other types of investment.
- Eligible green investments are specified further in Annex 1 of the funding guidelines. Annex 1 specifies 25 green investment categories, covering all green investment areas defined in the description of the measure in the Annex to the Council Implementing Decision.

Furthermore, in line with the description of the measure in the Annex to the Council Implementing Decision, funding is excluded for climate-damaging investments such as investments into equipment or installations that directly use fossil fuels:

- §2 (2) of the amended Investment Premium Act provides that climate-damaging investments are not eligible, and thus excluded from funding;
- §2 (3) stipulates that investments in the construction and expansion of facilities which are involved in the excavation, transport or storage of fossil fuels, as well as the construction of facilities which directly serve the purpose of using fossil fuels, are considered climate-damaging investments;
- Section 5.4 of the funding guidelines further defines specific investment assets, categories and processes that directly use fossil fuels and are therefore ineligible for funding;
- Section 6.1 of the funding guidelines stipulates that in order to apply for funding, the applicant has to confirm
    - compliance with the funding guidelines, especially section 5, and
    - acknowledgement that false or incomplete claims in the application for funding will be prosecuted under criminal law and punished with steep fines or imprisonment.
- Section 6.3 of the funding guidelines stipulates that payment is conditional on all requirements of the funding guidelines being fulfilled. This includes that the investment is not climate-damaging as set out in §2 (2) of the amended Investment Premium Act and

section 4.1 of the funding guidelines, which stipulates that climate-damaging investments are, in alignment of the funding with the climate goals of the Austrian Federal government, excluded from the investment premium. According to Section 6.3, if the necessary requirements of the funding guidelines are not complied with, no funding commitment will be issued and consequently no funding contract and thus payment will be concluded;

- Section 6.4 of the funding guidelines stipulates that the recipient of the premium must confirm compliance with all the requirements and conditions contained in the subsidy contract with a legally binding signature and, upon request, provide the implementing agency AWS with the relevant invoices, payment receipts as well as annual financial statements, including lists of assets;
- Section 6.5 stipulates that the investment premium will be paid out based on the submission of evidence as specified in Section 6.4 and after an examination by the implementing agency AWS has been carried out.
- Section 6.7 the funding guidelines stipulate that the recipient is liable to prosecution and steep fines in case of deliberate misrepresentation;
- Section 6.8 of the funding guidelines regulates the repayment of the premium, stipulating that the recipient may be obliged to repay the disbursed funding in full or in part immediately upon written demand by the Federal Government, the European Union or the implementing agency AWS if it has informed incorrectly or incompletely about material circumstances, failed to submit the reports required, has failed to provide evidence or has failed to provide the required information.

The Council Implementing Decision required that payments be conditional on submitting evidence that excludes negative impacts on environmental and climate objectives. The above analysis of the Investment Premium Act (§2 (2) and (3)) and the funding guidelines (section 5.4) established that investments harmful to environmental or climate objectives are excluded from funding. The funding guidelines also emphasize that payment is conditional on all requirements of the funding guidelines being fulfilled, this includes the non-eligibility of climate-damaging investments and of environment-damaging investments (section 6.3). They further require that the recipient of funding must confirm compliance and acknowledgement that a misrepresentation makes the funding applicant liable to criminal prosecution including steep fines as well as prison sentences (section 6.7). Such misrepresentations can be detected by the examinations of the implementing agency (section 6.2). Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, the ex-ante exclusion of harmful activities by the Investment Premium Act and the ex-post checks by the implementing agency together with the risk of financial and judicial follow-up (section 6.7 and 6.8) faced by recipients in case of misrepresentation provides sufficient assurance that investments funded will have no negative impacts on climate or environmental objectives. 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 this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 75	**Related Measure: 3.A.2 Quantum Austria — Promotion of Quantum Sciences**
Name of the Milestone: Call for expressions of interest (BMBWF); Identification of an executing agency	

Qualitative Indicator: Receipt of expressions of interest	**Time:** Q4 2021

Context:

The objective of this investment is to facilitate excellent future-oriented, transformative, and innovative research such as to place Austria among those EU countries that successfully use quantum sciences for innovative products and services.

The investment consists of funding research infrastructures (incl. software development) and research collaborations, with the aim to expand the knowledge base for the (further) development of technological concepts for quantum computing, simulation, and communication, the establishment or development of technologies for the whole area of quantum sciences, especially hardware and software for quantum computing, simulation, and communication. The investment is also expected to strengthen cross-border cooperation (such as between German-speaking countries) and achieve or expand the alignment with relevant European initiatives and projects.

Milestone 75 lays the groundwork by finishing the receipt of expressions of interest and designating a resolution agency. It requires that all expressions of interests by stakeholders of the RTI sector have been received and the resolution agency (agencies) has (have) been designated.

Milestone 75 is the first step of the implementation of the investment, and it will be followed by milestone 76, related to an interim report of the executing agency on the progress, and milestone 77, related to demanding information about the closure of projects with transfer to university operations. The investment has a final expected date for implementation on 31 March 2026.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. M75_summary_document.doc: a summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled
ii. the acknowledgment of receipt by the Austrian Research Promotion Agency - FFG of all expressions of interest by stakeholders of the RTI sector (01_expression interest.pdf), dated 22nd December 2021 by the BMBWF, which is a written confirmation signed by the executive agencies on 14th February and 15th February 2022.
iii. A copy of the contract between the Federal Ministry of Education, Science and Research and the Austrian Research Promotion Agency *(Forschungsförderungsgesellschaft* (FFG) (02_contract.pdf). It includes: the contract signed by both parties (pages 1-7), the offer which is part of the contract (pages 8-16), the general terms and conditions of contract (pages17-26) and the agreement on the processing of personal data (pages 27-38)

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

All expressions of interests by stakeholders of the RTI sector have been received

This follows from a document (evidence ii, *01_expression interest.pdf)* the Austrian Authorities provided, dated 22 December 2021 and which is a written confirmation by the Federal Ministry of Education, Science and Research (BMBWF) of the receipt of all expressions of interest for the executive agency (agencies) by stakeholders of the RTI sector. This written confirmation was also signed by the executive agencies (the "Austrian Research Promotion Agency (F*orschungsförderungsgesellschaft, hereinafter referred to as* FFG)) and the "Austrian Science Fund - FWF") on 14 February and 15 February 2022.

The resolution agency (agencies) has (have) been designated.

The copy of the contract (evidence iii, *02_contract.pdf*) provided by the Austrian authorities proofs the decision of designating the Austrian Research Promotion Agency - FFG as the resolution agency to prepare the execution of the Program Quantum Austria. The contract is signed by the Federal Ministry of Education, Science and Research (BMBWF) on 24th November 2021 and by the Austrian Research Promotion Agency - FFG on 28th November 2021 (*02_contract.pdf).* Based on the objective to facilitate excellent future-oriented, transformative, and innovative basic and advanced research (which is part of the contractual arrangement, as highlighted in the Annex of the contract, on *p*age 8, paragraph *Leistungsübersicht)*, the "Austrian Research Promotion Agency - FFG" and the "Austrian Science Fund - FWF" were mandated on 24th November 2021 (date of signature by the BMBWF) to prepare and launch the Quantum Austria funding initiative. The details about the obligations can be found on page 1 Article 1(2), where it is stated that the "Austrian Research Promotion Agency - FFG" is obliged to prepare and launch the Quantum Austria funding initiative.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 84	**Related Measure: 3.B.1 - Education bonus**
Name of the Milestone: Entry into force of the Unemployment Insurance Act and the publication of the Funding Guidelines on the Ministries' website	
Qualitative Indicator: Provision in the law indicating the entry into force of the Unemployment Insurance act; publication of the Funding Guidelines on the Ministries' website	**Time:** Q4/2020

Context:

The measure aims to improve the incentives and the material framework conditions for long-term unemployed to participate in organised training or qualification sessions and reduce the risk of participants dropping-out before completing the sessions. The reform consists of a 'top-up' to the unemployment benefit, which is based on a fixed daily rate and is dependent on the participation in a full training and qualification session with a duration of at least four months.

Milestone 84 requires that the legal basis for the education bonus (Section 20 (7) of the Unemployment Insurance Act (AlVG)) has entered into force. Furthermore, the accompanying funding guidelines have been adopted and published.

Milestone 84 is the first step of the implementation of this reform and it will be followed by milestone 85 which requires the full disbursement of the education bonus to unemployed people and milestone 86, which completes the implementation of this reform by an evaluation of the education bonus with a view of a possible extension funded by the national budget. The reform has a final expected date for implementation on 31 December 2021.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the milestone requirements (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID Annex) have been satisfactorily fulfilled.
ii. Federal Law Gazette I No 108/2020: The Amendments to the Unemployment Insurance Act (Arbeitslosenversicherungsgesetz, "hereinafter referred to as *AlVG"*), Article 20(7) and Article 79(169), have been published in the Federal Law Gazette I No 108/2020 published on 30 September 2020.
iii. Accompanying funding guidelines (by the Arbeitsmarktservice (*"hereinafter referred to as AMS*")) and the links to the Ministries' websites where they have been published:

    - Copy of the Federal Guidelines on Education and Training Grants (Bundesrichtlinie für Aus-und Weiterbildungsmassnahmen "hereinafter referred to as BEMO", 1 January 2020: BEMO-RL1.10.2020.pdf
    - Copy of the Federal Guidelines on Education and Training Grants (Bundesrichtlinie für Aus- und Weiterbildungsmaßnahmen "hereinafter referred to as BEMO"), 1 January 2022: BEMO-RL 01.01.2022. pdf
    - Website of AMS: https://www.ams.at/content/dam/download/ams-richtlinien/001_bemo_rili.pdf
    - Website of the Bundesministerium für Arbeit und Wirtschaft (BMAW):https://www.bmaw.gv.at/Infos-FAQ/corona-massnahmen/massnahmen-arbeit/Corona-Joboffensive.html

The authorities also provided:

i. **Federal Law Gazette I No 158/2021:** Further amendments to the Unemployment Insurance Act (AlVG) were published in the Federal Law Gazette I No 158/2021 on 27 July 2021. The amended law entered into force on 1 October 2021. Link: RIS - BGBLA_2021_I_158 (bka.gv.at); Copy: BGBLA_2021_I_158.pdf
ii. **Federal Law Gazette I No 216/2021:** Further amendments to the Unemployment Insurance Act (AlVG) were published in the Federal Law Gazette I No 216/2021 on 30 December 2021. The amended law entered into force on 1 January 2022. Link: RIS - BGBLA_2021_I_216 (bka.gv.at); Copy: BGBLA_2021_I_216.pdf

Analysis:
The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The legal basis for the education bonus (Section 20(7) of the Unemployment Insurance Act (AlVG)) has entered into force.

The Amendments to the Unemployment Insurance Act (Arbeitslosenversicherungsgesetz, "hereinafter referred to as AlVG"), Article 20(7) and Article 79(169), have been published in the Federal Law Gazette I No 108/2020 on 30 September 2020. Article 20(7) AIVG establishes the education bonus as part of the Corona Job Initiative for education and trainings of at least four months. Article 79(169) AIVG determines that Article 20(7) enters into force on 1 October 2020 and

ceases to be in force on 31 December 2023. Through the entry into force of Article 20(7) AIVG, the legal basis for the education bonus is created.

According to Article 20(7) AIVG, unemployed individuals receive an education bonus of EUR 4 a day if (i) they complete a qualification measure or (re)training course commissioned by the Public Employment Service (*Arbeitsmarktservice,* (AMS)) under the Corona Job Initiative, (ii) the measure/training has started in the period from 1 October 2020 until 31 December 2022 at the latest and (iii) lasts longer than four months. This is in addition to their daily unemployment insurance benefit – together with the amount for additional training-related expenses, which (in 2022) is EUR 2.15 per day.

The accompanying funding guidelines have been adopted and published.

The accompanying funding guidelines are the Federal Guidelines on Education and Training Grants (*Bundesrichtlinie Aus-und Weiterbildungsbeihilfen* "*hereinafter referred to as "BEMO*"). They have been adopted on 12 November 2020 (entering into force retroactively on 1 October 2020) and have been adapted several times since then. Austria provided the first version as an Annex (BEMO-RL 01.10.2020. pdf). Furthermore, the Austrian Authorities also provided a copy of the latest version of the guidelines (BEMO-RL 01.01.2022) as well as a link to the website of the public employment service https://www.ams.at/content/dam/download/ams-richtlinien/001_bemo_rili.pdf and a link to the relevant information on the website of the ministry of labour: https://www.bmaw.gv.at/covid-19/Corona-Joboffensive.html. These guidelines apply to the work of the implementation body of the public employment service and include the guiding principles for the education bonus in chapter 4.3. The Austrian authorities provided a link to the homepage of the ministry of labour (https://www.bmaw.gv.at/covid-19/Corona-Joboffensive.html), where it is stressed that the education bonus will be paid immediately after the beginning of a training course. Thus, no explicit application for the bonus is necessary for the recipients.

Furthermore, in line with the description of the measure, the objective of this reform is to improve the incentives and the material conditions for long-term unemployed to participate in organised training or qualification sessions.

Following the evidence provided by the Austrian Authorities, this objective is achieved by adding a top-up to the daily unemployment insurance benefit when starting an education or training measures with a duration of four months. Article 20(7) and Article 79(169) of the AlVG created the legal basis for the education bonus.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 85	**Related Measure: 3.B.1 Education bonus**		
Name of the Target: Education bonuses disbursed			
Quantitative Indicator: Number	**Baseline:** 0	**Target:** 40 000	**Time:** Q4 2021

Context:
The measure aims to improve the incentives and conditions for unemployed to participate in organised training or qualification sessions and to reduce the risk of participants dropping out before completing the sessions. The reform consists of a 'top-up' to the unemployment benefit, which is based on a fixed daily rate and is dependent on the participation in a full training and qualification session with a duration of at least four months.

Target 85 requires 40 000 education bonuses being disbursed.

Target 85 is the second step of the implementation of the reform enacted in Milestone 84 (which is also part of the first payment request) which sets the legal framework and the funding guidelines for the disbursement of the education bonus to unemployed people. It is followed by Milestone 86 "Education bonus measure evaluated", which completes the implementation of this reform by an evaluation of the education bonus with a view of a possible extension to be funded by the national budget.

The reform has a final implementation date in Q1 2022.

Evidence Provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the milestone requirements (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID Annex) have been satisfactorily fulfilled;
ii. Datasheet including the anonymized list ((BC_Zahlungen_03_2022_gesamt_Binär.xlsx,) of recipients of the education bonus including identification number (social security number (SVnr) unemployment insurance number), the date of the letter informing the recipient of the grant, identifier for the employment service office and the sex of the recipient.
iii. Documentary evidences as part of the sampling : 60 letters addressed to recipients informing on the granting of the education bonus (*Mitteilung über den Leistungsanspruch durch das Arbeitsmarktservice*)

The authorities also provided:

i. Copy of the Federal Guidelines on Education and Training Grants of the Public Employment Service *(Bundesrichtlinie für Aus-und Weiterbildungsmassnahmen des Arbeitsmarktservice (AMS)*, hereinafter referred to as BEMO and a link to the Ministries' website where they have been published: Copy: BEMO-RL 01.01.2022. pdf (as uploaded to FENIX)
   - Website AMS: https://www.ams.at/content/dam/download/ams-richtlinien/001_bemo_rili.pdf
   - Website of the Bundesministerium für Arbeit und Wirtschaft (BMAW) https://www.bmaw.gv.at/covid-19/Corona-Joboffensive.html

ii. **Federal Law Gazette I No 108/2020:** The Amendments to the Unemployment Insurance Act (*Arbeitslosenversicherungsgesetz,* "hereinafter referred to as AlVG) published on 30 September 2020.

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the target.

At least 40 000 people have received the education bonus.

Austrian authorities provided a spreadsheet containing a list of 52 438 education bonus recipients as of 7 March 2022. The list includes unique anonymised identifiers making the link between the payment of benefits and the individual. It includes the social security number ("*Sozialversicherungs-Nr.*") verifying the existence of the given person, the unemployment insurance number

("*Arbeitslosenversicherungsnummer*"; ALV_NR) which is a unique identifier of the Public Employment Service (PES) for each unemployed person.

Based on the list of recipients provided by the Austrian authorities, the Commission has drawn a list of 60 recipients on which the Austrian authorities provided as additional evidence the corresponding letter sent by the PES informing each recipient about receiving the education bonus.

The letters chosen for the sampling fulfil following characteristics laid down in the description of the measure: The reform consists of a 'top up' to the unemployment benefit. The additional payment is based on a fixed daily rate and depends on the participation in a full training and qualification session with a duration of at least four months.

The letters include detailed information about the person, including the social security number as well as the financial entitlement. A precise breakdown of the total daily payment (*Bildungsbonus*) in addition to the beginning and end date are available and furthermore, the family allowance (where relevant) can be seen. The letter includes as well as the amount allocated for the unemployment benefits the recipient receives on top of the education bonus. In addition, the date of the letter informing the recipients about receiving the education bonus provides an additional link to the letters provided for the sample of 60 recipients.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 87	**Related Measure: 3.B.2 Promoting Re-and Up-Skilling**
Name of the Milestone: Ensuring the preconditions for re- and upskilling	
Qualitative Indicator: The necessary budgetary provision was established in December 2020, under the 2021 budget and the Federal budgetary framework act (BFRG)	**Time:** Q4 2020

Context:

The objective of this investment is to improve the skills and competences of unemployed, particularly the low skilled, to prepare them for the future challenges of the labour market and to make them less vulnerable for future spells of unemployment.

The investment consists of funding of reskilling and upskilling measures related to basic qualifications, electronics and digital technologies, nursing, social and caring professions, environment/sustainability and project oriented transitional workplaces as well as youth coaching. The funding shall also concentrate on offering flexible training methods and focuses on supporting women.

Milestone 87 requires the necessary budgetary provision was established in December 2020, under the 2021 budget and the Federal budgetary framework act (BFRG)

Milestone 87 is the first step of the implementation of the investment 3.B.2 "Promoting re-skilling and up-skilling. It will be followed by Milestone 88 first annual overview related to the review of the re-and up-skilling scheme in Q1 2022 and target 89 "People benefitting from re- and upskilling which specifies that 94 000 people shall benefit from re- and up-skilling measures. The implementation of the investment shall be completed by 31 December 2024.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the milestone requirements (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID annex) to enable the re- and upskilling measures, have been satisfactorily fulfilled by the legal act.
ii. Copy of the publication in the Official Journal of 3 December 2020 of the Federal Fiscal Framework Act 2021-2024 *(Bundesfinanzrahmengesetz* (BFRG) 2021-2024) and reference to the relevant provisions indicating the entry into force.

The authorities also provided:

i. Copy of the Strategy Report 2021-2024 (*Strategiebericht 2021-2024*) adopted by the federal government which annotates the BFRG 2021-2024 and its objectives.
ii. Copy of the Strategy Report 2022-2025 (*Strategiebericht 2022-2025*) adopted by the federal government which annotates the BFRG 2022-2025 and its objectives.
iii. Copy of a sub-heading booklet accompanying the yearly budget law (BFG) detailing the budget of the sub-heading 20 Labour (*Teilheft Bundesvoranschlag 2021 Untergliederung 20 Arbeit*)
iv. Copy of the Austrian Public Employment Service (PES) long-term plan for 2021-2024 (*Arbeitsmarktservice Österreich, Längerfristiger Plan 2021-2024*)
v. Copy of the first implementation report by the Ministry of Labor of the re-and upskilling measures under the Corona Job Offensive .
vi. Copy of an official letter from the Minister of Labour to the Executive Board of the Austrian Public Employment Service (PES) asking for the implementation of re-and upskilling measures.

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The legal act enabling the re- and upskilling measures to be implemented was included in the budgetary framework act adopted in December 2020.

The budgetary provision for the re-and upskilling measures was included in December 2020, under the 2021 budget and the Federal budgetary framework act (BFRG). The budgetary framework act (BFRG) outlines the allocation of financial resources of the Federal Government for the period 2021-2024 and together with the annual budget law, this is the legal budgetary basis for the re-and upskilling initiative. The budgetary framework act foresees the inclusion of additional funding for re-skilling and upskilling measures under heading 2 Labor Market, Social, Health and Family and sub-heading 20 Labour. Further details of the sub-heading 20 which contains the re-and upskilling measures are being provided and anchored in the accompanying documents of the budgetary framework act, namely the strategy reports for the budgetary framework 2021-2024 and 2022-2025, as well as the booklet accompanying the budget law 2021.

The budgetary framework act has been adopted by the Austrian parliament on 26 November 2020 and published in the Official Journal on 3 December 2020. As specified by Article 5 (1), it entered into force on 1 January 2021. According to the strategy report 2021-2024 (page 11, pages 36-37) - 100,000 people will benefit from retraining measures, scholarships for skilled workers and qualification measure under the Corona Labour Foundation (*Corona-Arbeitsstiftung*, rebranded as *Corona Job Offensive* afterwards). This strategy report should be mandatorily provided together

with the BFRG (see Article 14 (1) and Article 15 (2) sub-paragraph 5 of the BFRG). 700 million euro were earmarked for its implementation until 2022 under the dedicated budget heading "Corona Labor Foundation". The funding budget in the new BFRG for 2021 and 2022 was increased by EUR 521.8 million (page 89). This is further confirmed by the sub-heading booklet 20 Labour (*Teilheft Bundesvoranschlag 2021 Untergliederung 20 Arbeit*), accompanying the annual budget law (BFG) for 2021 which indicates EUR 700 million would be made available for funding re-and upskilling measures until the end of 2022 (see page 5 under the heading projects and plans 2021 and page 7 Article 3 of the sub-heading booklet 20 Labour).

In addition, the Austrian Public Employment Service (PES) long-term plan for 2021-2024 confirms additional funding in view of implementing the *Corona Joboffensive* (page 66 of the plan). Further provisions laying out the implementation of the re-and upskilling measures have been also reflected throughout the long-term plan (page 6 paragraph 1 and 3, page 16 paragraph 6, page 21, page 36 paragraph 2, page 38 paragraphs 2 and 3 of the long-term plan of the Austrian Public Employment Service).

At the time the budget law 2021 was passed, it was not known that re-and upskilling measures of the Corona Labor Foundation (which was rebranded *Corona Job Offensive* afterwards) would be included in the Austrian RRP. The strategy report 2022-2025 includes an additional reference that part of the additional up-and reskilling measures under this heading is funded under the RRF (last bullet page 91 of the strategy report 2022-2025). The relevant sub- heading was rebranded as *Corona Job Offensive* in the 2022 budgetary documents (see strategy Report of the Federal Government 2021-2024 and strategy Report of the Federal Government 2022-2025).

Furthermore, in line with the description of the measure the objective of this investment to improve the skills and competences of unemployed, particularly the low skilled.

The different accompanying document (such as the booklet accompanying the 2021 budget law (BFG), the strategy reports 2021-2024 and 2022-2025 and the letter to the Executive Board of the Public Employment Service (PES) confirm the training measures are dedicated towards unemployed and low-skilled persons in view of improving their chances of placement or securing future employment. The qualifications and skills gained during the courses provide participants with in-demand knowledge and have the potential to provide them with stable and long-term employment and thereby contributes to increasing their material security.

Furthermore, in line with the description of the measure the objective of this investment *to prepare the low skilled for the future challenges of the labour market and make them less vulnerable for future spells of unemployment.*

The two strategy reports for 2021-2024 (page 24 and page 25) and for 2022-2025 (page 91 and page 92) indicate that the focus on the reskilling and upskilling of unemployed and low skilled persons aim to improve labour market and to counteract the continuing shortage of skilled workers. The Public Employment Service (PES) long term plan further states all qualification measures, including reskilling, which are part of the Corona Job Offensive should be seen as a contribution to the prevention of long-term unemployment (page 36 paragraph 2 of the long-term plan of the Austrian Public Employment Service). The training of up to 100 000 people is aligned with the medium/long term evolutions of the labour market and aims at professionally re-orienting low skilled workers towards future-oriented sectors such as digitalisation, the environment, care, social services and education which are personnel-intensive. Since the demand for skilled workers is expected to be higher in these sectors, unemployed people benefiting from adequate training in these fields would be offered increased chances to find a job.

Furthermore, in line with the description of the measure *the investment consists of funding of re- and up-skilling measures related to basic qualifications, electronics and digital technologies, nursing, social and caring professions, environment/sustainability, project oriented transitional workplaces youth coaching.*

The strategy report 2021-2024 indicates training measures should be implemented in sectors with high demand of skilled workers such as the digitalisation, the environment, care, social services and education. In addition, the Public Employment Service (PES) long term plan (page 38 paragraphs 2 and 3 of the of the long-term plan of the Austrian Public Employment Service) confirms a qualification focus is placed on electronics/digital technology, metalworking, nursing, social and caring professions, and environment/sustainability. The first implementation report confirms basic qualifications in particular in German are prerequisites for a successful employment (see page 4 paragraph 4 of the report). The report also underlines the need to develop training in apprenticeship qualifications in general, qualifications in the in trade and gastronomy, in the office sector, in the field of crafts and technology and specialized language training which corresponds to basic training. Page 5 of the report gives examples of specific courses in the designated fields such as coding, software development, training in green technologies (like photovoltaic), nursing, social and care professions to intensive training in electronical engineering). It further indicates (page 17 - paragraph 2 and 3 of the long-term plan of the Austrian Public Employment Service) the offer of training opportunities is being temporarily increased to prepare young people for subsequent placement in apprenticeships and refers to the cooperation and synergies with the training guarantee under 18, a service provided by the Social Ministry Service which includes youth coaching. Youth coaching is also mentioned as a target group of the 700 million euros funding allocated for re- and upskilling measures until the end of 2022, as indicated on page 7, paragraph 3 of the sub-heading booklet 20 Labour.

Furthermore, in line with the description of the measure, the funding shall *concentrate on offering flexible training methods.*

The Public Employment Service (PES) plan confirms the expansion of digitised training offerings using blended learning and e-learning tools. The plan further details that a modern learning architecture as well as e-learning is established as an alternative and supplement to face-to-face learning which offer more flexibility to teachers compared to on-site learning. The new eCampus digital platform will form the core of the new PES learning architecture in continuing education and training in the medium term. The focus is placed on digitally supported learning formats, combined elements of face-to-face learning and/or distance learning.

Furthermore, in line with the description of the measure, the funding focuses *on supporting women.*

The sub-heading booklet accompanying the 2021 budget law (BFG), (page 7 paragraph 3 of the booklet) confirms that women and women re-entering the workforce are to be given a special consideration. The specific focus of reskilling and upskilling measures for women is also further reflected in the 2021-2024 strategy report (page 11) and in the official instructions sent by the Labour Ministry to the Executive Board of the Public Employment Service (pages 1 and 2 of the official letter from the Minister of Labour to the Executive Board of the Austrian Public Employment Service (PES)).

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 92	**Related Measure: 3.C.2 Remedial Education Package**
Name of the Milestone: Finalisation of the remedial education package and start with the measures in the schools	
Qualitative Indicator: Design, approve and start the implementation of a package of support measures (remedial education package) in the framework of the school law.	**Time:** Q2 2021

Context:

The investment aims to contribute to reduce the education gap and losses of the pupils who had to take distance learning lessons during the COVID-19 pandemic. The objective is to avoid the increase of existing inequalities in education by focussing mostly on the most disadvantaged pupils. The investment consists of providing additional learning hours and tailor-made individual support for the pupils.

Milestone 92 relates to the implementation the remedial education package and the related support measures including additional learning hours by the educational authorities at the schools.

Milestone 92 is the first step in the implementation of the investment. It will be followed by milestone 93, related to the provision of additional teaching hours, and target 94, related to the evaluation of the support measures provided. The investment has a final date for implementation on 31 March 2022.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled
ii. Copy of the official letter (decree) of the Education Ministry of 8 December 2020 on additional courses for general secondary schools and vocational middle and higher schools with graduating classes
iii. Copy of the official letter (decree) of the Education Ministry of 25 January 2021 on additional courses for general secondary schools and vocational middle and higher schools.
iv. Copies of the 9 official letters (decrees) of the Education Ministry of 23 February 2021 on additional for general compulsory schools sent to each of the 9 Directorates of Education, one in each federal state.

The authorities also provided:

i. Copy of the School Organisation Law
ii. Copy of the School Education Law
iii. 07_account fed.xlsx, is a spreadsheet providing an overview of the available (and used) human resources for support measures for federal schools.

The nine letters (decrees) sent to general compulsory schools were signed on the same day (23 February 2021) and all have the same content, only the maximum allocated resources (number of establishment posts) to each federal state are different at the bottom of the letter.

Analysis:

There are different types of secondary schools in Austria: the general compulsory schools (APS) and the federal schools. General compulsory schools (APS) are the following: primary schools, compulsory secondary schools, schools of special needs and pre-vocational schools.
Federal schools are academic secondary schools (lower cycle and upper cycle) (AHS), schools of intermediate vocational education and college of higher vocational education (BMHS). They have different school providers *(Schulerhalter)*. For the general compulsory schools (APS) the school provider are the federal states *(Bundesländer)* and for federal schools (AHS, BMHS) the federal government. The teachers of these two main school types have different employment laws/service laws and they get rewarded either by their federal state or the federal government. Due to the financial equalization law *(Finanzausgleichsgesetz)* the federal government reimburses the costs of the salary of the teachers of the general compulsory schools to the federal states. The educational authorities oversee the personnel matters of all teachers (state teachers and federal teachers). According to the school type, the responsibility on the different teachers and headmasters is split among different sections/departments of the educational authorities (federal for AHS/BMHS and provincial/municipal for APS).

This explains why separate letters were sent to the different sections' educational authorities according to the different type of secondary schools they were in charge of: one to AHS/BMHS with graduating classes, one to AHS and BMHS (without graduating classes) and one to general APS. All types of secondary schools were covered by the decrees and the measures were consistently applied to the different type of schools.

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The remedial education package is finalised including the specific allocation of resources and can be implemented by the Laender/regional educational authorities *(Bildungsdirektionen)*.

Concerning the finalisation of the education package, the remedial education package consists of the provision of resources to implement additional support measures, which consists of support lessons, group/class divisions, individual support measures, supplementary lessons during the summer holidays. Support measures that could be used are being defined in the three decrees (page 1 of the decree of 8 December 2020, page 2 of the decree of 25 January 2021, page 1 paragraph 1 at of the decrees of 23 February 2021). This translates into the allocation of additional posts of teachers throughout Austria and is consistent with the objective of the package, which is to reduce the education gap and losses of the pupils who had to take distance-learning lessons during the COVID-19 Pandemic. The remedial education package is finalised with the sending of the official letters to the educational directorates, which set out the framework conditions for the implementation of measures at the schools. A decree (here in the form of the official letters) is an internal administrative regulation issued by the Ministry of Education, Science and Research to a subordinate authority or employee (*Bildungsdirektionen*, the regional education authorities) and determines their organisation and actions in more detail. The regional Directorates of Education are bound by the provisions of the decrees and are in charge of their implementation. The decrees are addressed to all federal Education Directorates, regional Education Directorates and the offices of each regional government. The decrees contain specific instructions for implementation at school level and they also request to inform all schools about the additional resources (the two additional hours per week per class and the corresponding additional teaching posts being allocated for each region) to implement the different support measures.

Concerning the date of entry into force: As mentioned above, the letters have the force of a decree and the date of signature of the letters equals the date of their entry into force. Since human resources management in the administration (state teachers and federal teachers) are different for

different school types, consisting of general compulsory schools (APS), general secondary schools (AHS) and vocational middle and higher schools (BMHS), for which different departments in the educational authorities are responsible, separate decrees were sent:

- The decree for the general secondary schools and vocational middle and higher schools with graduating classes entered into force on 8 December 2020 (letter one)
- The decree for general secondary schools and vocational middle and higher schools entered into force on 25 January 2021 (letter two)
- The nine decrees for general compulsory schools entered into force on 23 February 2021 (letter three to eleven)

Concerning the requirement of allocating additional resources to each federal state, all federal states receive additional teaching posts for each compulsory schools (as indicated in the spreadsheet) and federal schools (as indicated in the table of the decrees of 23 February 2021 to implement the two additional hours per week and per class during the summer semester. The number of hours available is derived from the number of classes and the number of additional hours per class (two) as indicated in the decrees. The tables show the maximum of teaching posts allocated for each federal state to implement the support measures (support lessons, group/class divisions, individual support measures, and supplementary lessons during the summer holidays). Educational authorities may make neutral reallocations of hours among schools based on need, as described in the decrees. Schools are informed by the educational authorities about the additional hours granted. In total, 1161 posts were allocated for general compulsory schools (APS) and 848,9 posts for federal schools (AHS and BMHS, vocational middle and higher schools).

Furthermore, in line with the description of the measure, the measures are designed according to the specific needs of the school location and at the level of the individual pupils.

The decrees indicate that the different available instruments shall be selected in relation to the needs of each school site and in relation to the number of hours allocated to each federal state by the regional education authority. Flexibility is granted to the school to decide how to organise the content, distribute the subjects, and set duration of additional hours of lessons. The three decrees underline that it is possible to divide the hours between different subjects or to concentrate the hours by organising them into longer teaching blocks, if better learning results can be achieved. Furthermore, in the decrees of 23 February 2021 it is indicated that within the framework of the allocation of resources by the Directorate of Education pursuant to Article 8a(3) of the School Organisation Law, school sites with an increased need for support of pupils, schools with an increased need for language support or facing special socio-economic challenges are eligible, depending on the actual need while maintaining the available quota. Decree of 25 January 2021 indicate that the additional support shall be decided in view of effectiveness and efficiency. In this respect, the decree (paragraph 2) grants the possibility to regional education authorities to reallocate the additional lessons from one school to another in case certain needs materialise. Special consideration was given to special needs students, as well as the current availability of teachers at a certain school for the different subjects.

Furthermore, in line with the description of the measure, the lessons need to focus on language skills and take into account specific socio-economic challenges.

The decree of 25 January 2021 indicates that the lessons provided in the general education sector shall focus on German, mathematics and foreign languages, while in the field of vocational schools, on specific topics (such as accounting, gastronomy, hotel business, sales, sport, product management according to the focus of the technical school). German, mathematics, and foreign languages classes are identified as possible support measures in the decrees of 23 February 2021 for all schools. In addition, decree of 25 January 2021 grants the possibility for regional education

authorities to reallocate the number of additional hours from an AHS and BMHS school to another school in case increased support needs for language support or specific economic challenges materialise.

Furthermore, in line with the description of the measure a particular focus is given to pupils in final year classes and disadvantaged pupils with need for additional support.

The decrees of 23 February 2021 - paragraph 2 indicates that additional educational offerings are intended to benefit all students, but especially those who are particularly behind in learning due to the Covid-19 pandemic. The decrees also explicitly confirm that the schools that need the most support in terms of language support or facing specific economic challenges are eligible. The decrees further detail how the resources are distributed among the Laender, being weighted by the total number of students (90%) and number of pupils with special educational needs (10%) such as not having enough knowledge of German. Educational authorities have the option to redistribute support hours, to provide a higher allocation to schools with a high proportion of non-German-speaking students, while keeping within the overall quota (which then means fewer hours for another schools. The decrees indicate that disadvantaged pupils are an important target group of the support measures. The identification of students as disadvantaged and/or having need for additional support takes place at the schools. The individual needs of the students were identified by their teachers who were able to observe which students have fallen behind in their learning progress during the phase of the lockdown and the distance learning. This decentralised approach makes it possible to identify specific needs and support pupils adequately. As regards pupils in final year classes, the decree of 8 December indicates additional courses are intended to be provided to the pupils in the last year class in AHS and BMHS schools in order to prepare optimally for the final exam, since final exams only take place in AHS and BMHS schools.

Furthermore, in line with the description of the measure the scheme needs to benefit to all pupils.

The instruction letters are addressed to all type of schools; be it general compulsory schools (decrees of 23 February 2021) and federal schools (general secondary schools and vocational middle and higher schools in the decree of 8 December 2020 and in the decree of 25 January 2021).

Furthermore, in line with the description of the measure the package shall consists of additional learning hours and individual support measures.

The three decrees (paragraph 2 and 3 at page 1 of the decree of 8 December 2020, paragraph 2 at page 1 and paragraph 1 at page 2 of the decree of 25 January 2021, first paragraph page 1 of decrees of 23 February 2021) refer to the provision of two hours per week per class in the 2020/21 summer semester in Austria. All decrees indicate that the existing instruments enshrined in the school law shall be used. Four different support instruments are being identified: small group teaching, group/class divisions, additional individual support measures, supplementary German, mathematics, and foreign lessons (paragraph 4 at page 1 of the decree of 8 December 2020, paragraph 2 at page 2 of the decree of 25 January 2021, table at the top of page 2 of the decrees of 23 February 2021).

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 93	**Related Measure: 3.C.2. Remedial education package**
Name of the Milestone: Support measures during the school year are completed. Provision of supplementary classes including during the holidays	

Qualitative Indicator: Summary declaration by the education Ministry (BMBWF)	**Time:** Q4 2021

Context:

The objective of the investment is to compensate for the accumulated learning deficits and potential losses in education, during the prolonged periods of distance learning, during the COVID-19 Pandemic. The focus is particularly on disadvantaged pupils, so to avoid any increase in already existing inequalities in education outcomes. The investment consists in an extensive package of additional learning hours and a bundle of individual support measures.

Milestone 93 requires that supplementary lessons, as outlined in the remedial education package, have been provided outside of school hours, including during holidays.

Milestone 93 is the second milestone of the investment and it follows the completion of milestone 92 related to the finalisation of the remedial education package and start with the measures in the schools (milestone 92 also sets out how the needs-based use of resources, particularly for school locations with increased need of support for pupils is implemented). It will be followed by milestone 94, related to the evaluation of the additional teaching staff deployment. The investment has the final expected date for implementation on 31 March 2022.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the requirements of the milestone (including all its constitutive elements, as set out in the description of the milestone of the corresponding measure in the Council Implementing Decision Annex) have been satisfactorily fulfilled.
ii. Spreadsheets containing a list of schools where supplementary lessons have been provided, the period when the supplementary lessons have taken place, and the number of hours of supplementary lessons provided. Specifically, document 08 (08_master data file) combines information from documents 03 (03_data fed file, including data on compulsory schools), 04 (04_data fed file, including data on federal schools), and 05 (05_schummer school file, including data on summer schools) on the use and allocation of resources.

The authorities also provided:

i. Additional spreadsheets with more detailed data on the allocation and use of resources, and spreadsheets containing the survey sheets sent to schools.

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

Supplementary lessons have been provided outside of school hours, including during holidays.

In line with the requirement of the milestone, supplementary lessons have been provided outside of school hours, including during holidays. This is confirmed by the document 08 (08_master data file), which confirms that in total 3.974 schools made use of 36.679,8 additional hours and 3.775 schools made use of 33.624 summer school hours. These data show the take-up of the support

measures in the summer semester of the school year 2020/21 from March to June and in August at the end of the summer holidays.

Detailed information on the number of schools and which support measure, that is, additional school hours and summer schools, was implemented in which month can be found in the documents containing the merged data and the master data file (03_data comp.xlsx, 04_data fed.xlsx), and 08_master data file - information on the months is just included in former two.

In detail, the evidence (that is, the documents 08_master data, 03_data comp, and 04_data fed) shows the number of supplementary hours i) in the period from 01 March 2021, to the end of the school year 2020/2021 for federal schools, ii) in the period from 11 January 2021, to the end of the school year 2020/2021 for general compulsory schools, and iii) the supplementary hours provided in the holiday period for both federal schools and general compulsory schools. In this regard, both the hours made available by the measure to be called upon by the school as well as the hours that have actually been implemented are listed.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 97	**Related Measure: 3.D.1 IPCEI Microelectronics and Connectivity**
Name of the Milestone: Climate-related eligibility criteria established in call documents	
Qualitative Indicator: Call documents with eligibility criteria ensuring that the investment activity shall result in demonstrated substantial life-cycle GHG emissions savings	**Time:** Q4 2021

Context:

The measure aims to strengthen areas within the sector of microelectronics in which Europe is already performing well and also to target areas in which Europe is currently dependent on imports. A key objective is to strengthen Europe's open strategic autonomy. In addition, planned projects are expected to develop more energy-efficient solutions and thus contribute to the achievement of climate objectives.

Milestone 97 concerns the publication of documents related to the second phase of the call for expression of interest in funding projects under the IPCEI Microelectronics and Connectivity, including climate-related eligibility criteria.

Milestone 97 is the first step of the implementation of the investment in the IPCEI Microelectronics and Connectivity. It will be followed by milestone 98 regarding the completion of the selection of Austrian projects following the call for expression of interest, target 99 regarding the start of at least 66% of the approved Austrian projects, and target 100 regarding the allocation of the available budget to the approved projects and disbursement of at least 80% of the budget to the recipient companies. The investment has a final expected date for implementation on 31 August 2026.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. A summary document duly justifying how the requirements of the milestone (including all its constitutive elements, as set out in the description of the milestone and of the

corresponding measure in the CID annex) have been satisfactorily fulfilled. The summary document also includes:

a. justification that the specifications of the call and the selection factors in the jury process are fully aligned with the description, criteria and conditions as set out in the milestone and the description of the investment;
b. justification that the commitment to emission reductions represented a key factor in the selection of projects within the subsequent jury process.

ii. Annex 3 – A link to the Call for Expressions of Interest for the IPCEI Microelectronics and Connectivity of the second stage (https://www.bmk.gv.at/dam/jcr:86b7bcd2-06ec-4c65-8dfb-944829ea1283/aufruf_einreichung_me2.pdf) and its copy, as published on 10 June 2021 and closed on 6 August 2021.

The authorities also provided:

i. Annex 1 - Jury protocol of Phase II with independent experts' feedback, binary funding recommendations and a quantitative ranking of all projects, published on 8 September 2021;
ii. Annex 2 – Overview of the IPCEI assessment criteria used by the jury for the assessment of the submitted projects;
iii. Annex 4 – Screenshot of the access page to all relevant call documents which was set up on 10 June 2021. Screenshot was taken on 25 July 2021 via "The Wayback Machine" (the BMK-Website was remodelled in the meantime).

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

Documents with regard to the second phase of the call for expression of interest were published, including climate-related eligibility criteria, and oblige potential beneficiaries (that is, recipient companies) to explicitly commit to the reduction of greenhouse gas (GHG) emissions within their project portfolios and estimate the extent of GHG savings.

In order to select companies for participation in the IPCEI Microelectronics and Connectivity, the Ministry for Climate Action (BMK) and the Ministry of Labour and Economy (BMAW) conducted an open two-staged call for expression of interest. The first stage aimed at assessing the demand and interest and the second stage built the basis for the selection of companies for further participation in the notification process at European level.

The second stage of the Call for Expressions of Interest for the IPCEI Microelectronics and Connectivity was published on the websites of BMK and BMAW on 10 June 2021 and closed on 6 August 2021 (https://www.bmk.gv.at/dam/jcr:86b7bcd2-06ec-4c65-8dfb-944829ea1283/aufruf_einreichung_me2.pdf; Annex 3).

The second stage of the Call for Expressions of Interest included climate-related eligibility criteria, obliging potential recipient companies to explicitly commit to reducing GHG emissions within their project portfolios and to estimate the extent of GHG savings. These criteria are stated on page 6 of the second stage of the Call for Expression of Interest and read as follows (translated from German): "*In addition, a climate-relevant component must be presented in the individual projects. The projects must demonstrate substantial savings in greenhouse gas emissions. For this purpose, the savings potential must be quantitatively estimated and examined in more detail in the project portfolio*."

Therefore, only projects with the commitment to reduce GHG emissions over their lifecycle and with the estimation of the extent of GHG savings were eligible under the Call for Expression of Interest.

Furthermore, in line with the description of the measure, the investment includes funding of the projects selected, following a call for expression of interest, in the areas of microelectronics and connectivity.

The investment is conducted in the context of the IPCEI on Microelectronics and Connectivity, which was pre-notified under the State aid rules to the Commission by Germany on behalf of the participating Member States on 20 December 2021 (see the announcement by Commissioner Breton of 20 December 2021, available at: https://ec.europa.eu/commission/commissioners/2019-2024/breton/blog/ipcei-microelectronics-major-step-more-resilient-eu-chips-supply-chain_en).
That IPCEI aims to support transnational cooperation projects on microelectronics, notably to enhance the resilience of Europe's supply chain in semiconductors. The copy of the second stage of the Call for Expressions of Interest specifies the focus areas of the projects to be funded, which include sensors, processors, power electronics and communications electronics (Annex 3, section 2.1).

The commitment to emission reductions represented a key factor in the selection of projects within the subsequent jury process.

The commitment to GHG emission reductions was a critical factor taken into account in the funding recommendations issued by the independent international expert jury (Annex 1 – Jury protocol).

The commitment to GHG emission reductions was relevant for two jury assessment criteria, as evidenced by Annex 2 – Overview of IPCEI jury assessment criteria. First, question 2.1a asked whether a contribution to the targets within the Integrated National Energy and Climate Plan for Austria could be expected and how/whether this contribution can be quantified. Second, question 2.1c asked whether the project could be integrated into existing national and European climate, digital and technology strategies. This criterion was assessed by the external jurors and was considered a mandatory criterion (cell E9 of Annex 2) which meant that the threshold of 60% of points needed to be reached for the criterion to be fulfilled (making it a key factor for the selection of projects). Taken together, the two above-mentioned questions ensure that the selected projects directly contribute to the achievement of climate objectives, including GHG emission reductions.

Moreover, during the jury meeting, climate-related aspects, notably commitment to GHG emission reductions, were explicitly discussed by the panellists (external evaluators) and taken into consideration as a key factor in the final assessment of the proposals, as evidenced by Annex 1 - Jury protocol (see, for example, pages 6, 7, 12 and 13).

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 98	**Related Measure: 3.D.1 IPCEI Microelectronics and Connectivity**
Name of the Milestone: National selection of projects to support the development of innovative microelectronics and connectivity technologies	

Qualitative Indicator: Selection decision will be communicated to the European Commission	**Time:** Q4 2021

Context:

The measure aims to strengthen areas within the sector of microelectronics in which Europe is already performing well and also to target areas in which Europe is currently dependent on imports. A key objective is to strengthen Europe's open strategic autonomy. In addition, planned projects are expected to develop more energy-efficient solutions and thus contribute to the achievement of climate objectives.

Milestone 98 concerns the selection of the Austrian projects regarding the development of innovative microelectronics and connectivity technologies based on recommendations of an independent expert panel, following a two-stage call for expression of interest.

Milestone 98 is the second milestone of the investment, and it follows milestone 97 related to the publication of the second phase of the call for expression of interest. It will be followed by target 99 related to the start of at least 66% of the approved Austrian projects and target 100 related to the allocation of the available budget to the approved projects and disbursement of at least 80% of the budget to the recipient companies. The investment has a final expected date for implementation on 31 August 2026.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the requirements of the milestone (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID annex) have been satisfactorily fulfilled;
ii. Annex 1 – Link to (https://www.bmk.gv.at/dam/jcr:237e82f6-6531-4868-9231-efd3424fd598/IPCEI_Interessensbekundung_ME2.pdf) and a copy of the official document with all relevant information for the submission of project proposals within the first stage of the Call for Expression of Interest for the IPCEI Microelectronics and Connectivity, published by the Ministry for Climate Action (BMK) and the Ministry of Digitalisation and Economic Affairs (BMDW) on 2 October 2020 and closed on 4 December 2020;
iii. Annex 2 – Link to (https://www.bmk.gv.at/dam/jcr:86b7bcd2-06ec-4c65-8dfb-944829ea1283/aufruf_einreichung_me2.pdf) and a copy of the official document with all relevant information for the submission of project proposals within the second stage of the Call for Expression of Interest for the IPCEI Microelectronics and Connectivity, published by the Ministry for Climate Action (BMK) and the Ministry of Digitalisation and Economic Affairs (BMDW) on 10 June 2021 and closed on 6 August 2021;
iv. Annex 4 – Jury protocol which includes independent experts' feedback as well as binary funding recommendations and a quantitative ranking of all projects submitted after the second stage of the national Call for Expression of Interest. Date of publication: 8 September 2021;
v. Annex 5 – Summary document of all Austrian projects selected to demonstrate their accordance with the description and objectives of the measure in the Council Implementing Decision Annex;
vi. Annex 6 – Positive selection decisions sent by the Research Promotion Agency (*Forschungsförderungsgesellschaft* (FFG)) to the six selected companies on 21 October 2021.

The authorities also provided:

i. Annex 3 – Overview of IPCEI the assessment criteria used by the jury in the selection of the submitted projects;
ii. Annex 7 – Feedback on the project proposals based on the positive selection decisions as conveyed to the six selected companies by the two implementing agencies (*Austria Wirtschaftsservice Gesellschaft mbH (aws)* and *Forschungsförderungsgesellschaft (FFG))* on 5 November 2021.

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The Austrian projects regarding the development of innovative microelectronics and connectivity technologies have been selected based on recommendations of an independent expert panel, following the two-stage call for expression of interest.

In order to select companies for participation in the IPCEI Microelectronics and Connectivity, the Ministry for Climate Action (BMK) and the Ministry of Labour and Economy (BMAW) conducted an open two-staged call for expression of interest in autumn/winter 2020 and in summer 2021, respectively. The first stage aimed at assessing the demand and interest, whereas the second stage built the basis for the selection of companies for further participation in the notification process at European level.

The first stage of the Call for Expression of Interest for the IPCEI Microelectronics and Connectivity was published on the websites of BMK and BMAW on 2 October 2020 and closed on 4 December 2020 (https://www.bmk.gv.at/dam/jcr:237e82f6-6531-4868-9231-efd3424fd598/IPCEI_Interessensbekundung_ME2.pdf). Annex 1 contains a copy of the specifications of the first stage of the Call for Expression of Interest. The summary document also contains a link to the template for project sketches (https://www.bmk.gv.at/dam/jcr:e5a9bdcb-aca2-4cf7-8ade-bdf6b6549ad9/IPCEI_Projektskizze_ME2.docx).

The second stage of the Call for Expression of Interest was published on 10 June 2021 and closed on 6 August 2021 (https://www.bmk.gv.at/dam/jcr:86b7bcd2-06ec-4c65-8dfb-944829ea1283/aufruf_einreichung_me2.pdf). Annex 2 contains a copy of the specifications of the second stage of the Call for Expression of Interest. The summary document also contains a link to the template of project portfolios (https://www.bmk.gv.at/dam/jcr:0b52d2e4-8fc4-4497-8c91-ee9221417484/project_portfolio_me2.docx) and the IPCEI FAQ document (https://www.bmk.gv.at/dam/jcr:69ccb55e-722a-4d4f-a1f0-e413681dbe66/ipcei_faq.pdf).

Annex 4 contains a qualitative and quantitative assessment of the nine submitted project applications by a panel of independent experts, following the second stage of the Call for Expression of Interest. The experts were selected from a pool of experienced referees that in the past participated in jury committees for national programmes and instruments, funded by the Research Promotion Agency (*Forschungsförderungsgesellschaft* (FFG)), one of the two implementing agencies. A conflict of interest check was performed for each panel member to ensure his/her neutrality and independence (for example, page 2 of Annex 4 explains that one expert was replaced for a particular project on the grounds of a conflict of interest). Annex 3 specifies in detail the internal and external assessment criteria (22 questions), including their quantitative weight, used by the panel of experts.

Based on the assessment, on 8 September 2021, the panel of experts recommended six project applications, did not recommend two project applications and rejected one on formal grounds (Annex 4, page 3).

On 21 October 2021, FFG communicated six positive decisions to the respective companies (Annex 6). The list of selected companies follows the recommendations of the panel of experts. On 5 November 2021, the two implementing agencies sent detailed feedback for the six selected companies aiming at supporting those companies in the upcoming notification process on European level (Annex 7).

Furthermore, in line with the description of the measure, the investment aims to strengthen areas within the sector of microelectronics in which Europe is already performing well and, on the other hand, to target areas in which Europe is currently dependent on imports. A key objective is therefore to strengthen Europe's open strategic autonomy.

Annex 4 (panel recommendations) and Annex 5 (summary of the projects) show that the selected projects both strengthen those areas in which Europe is already performing well (for example, the projects of NXP, Infineon Austria or AVL) and further develop areas in which Europe is currently dependent on imports (for example, through funding the development of highly innovative technology for the production of large single crystal boules and ingots by EEMCO). Moreover, the selected projects would contribute to Europe's open strategic autonomy (for example, by offering open infrastructure for the joint development of ultra-high performance thin film technology for sensors and actuators proposed by Silicon Austria Labs). In addition, the selected projects include developing more energy-efficient solutions, thus contributing to the achievement of climate objectives (for example, Infineon Austria proposes to develop device and manufacturing technologies which support the ongoing transformation in the sustainable energy generation and automotive sector).

Furthermore, in line with the description of the measure, the investment is implemented as a multi-country project.

The IPCEI to support transnational cooperation projects on microelectronics was pre-notified to the Commission under the State aid rules on 20 December 2021, with 20 participating Member States and more than 90 entities as prospective beneficiaries (see the announcement by Commissioner Breton of 20 December 2021, available at: https://ec.europa.eu/commission/commissioners/2019-2024/breton/blog/ipcei-microelectronics-major-step-more-resilient-eu-chips-supply-chain_en).

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 101	**Related Measure: 3.D.2 IPCEI Hydrogen**
Name of the Milestone: National selection of projects to support the development of hydrogen production, storage and applications	
Qualitative Indicator: Selection decision will be communicated to the European Commission	**Time:** Q3 2021

Context:

The objective of this measure is to help build a national and European hydrogen ecosystem to help contributing to the achievement of Austria's and the EU's climate objectives. The investment aims to promote integrated projects along the hydrogen value chain, especially covering hydrogen production, storage, and applications. Following a call for interest, the investment shall provide funding to selected projects, focusing in particular on energy-intensive industrial and mobility sectors that are difficult to decarbonise as well as on R&D/FID of components (research and development, first industrial deployment).

Milestone 101 concerns the selection of Austrian projects regarding activities along the hydrogen value chain, covering hydrogen production, storage and applications, based on recommendations of an independent expert panel, following the two-stage call for expression of interest. Milestone 101 is the first step of the implementation of the IPCEI Hydrogen investment, and it will be followed by target 102 which requires that at least 66% of approved projects will have been started by Q2 2024 and the target 103 which requires that EUR 125 000 000 have been allocated and at least 80% of the aid disbursed for the approved projects. The investment has a final expected date for implementation on 30 September 2026.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. A summary document duly justifying how the requirements of the milestone (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID annex) have been satisfactorily fulfilled, which also includes an overview table with the selected projects and beneficiary companies
ii. Link to the publication of the two-stage call for expression of interest, showing that the competition has been open to applications (https://www.bmk.gv.at/themen/innovation/internationales/ipcei/ausschreibungen.html);
iii. Annex 3 'Call for expression of interest – stage 1' which is a copy of the tender document of the first stage of the call for expression of interest
iv. Annex 4 – 'Call for expression of interest – stage 2' which is a copy of the tender document of the second stage of the call for expression of interest
v. Annex 1 – 'Jury protocol' which includes independent experts' feedback as well as binary funding recommendations and a quantitative ranking of all projects that was published on 8 September 2021
vi. Annex 2 – 'AT Project Descriptions' which is a document summarising the principal project plans of all Austrian projects selected to demonstrate their accordance with the description and objectives of the measure
vii. Annex 7 – 'Message to companies' providing feedback on the submitted project proposals, with reference to the positive selection decisions issued by the AT Research and Promotion Agency (FFG)

The authorities also provided:

i. Annex 5 – 'PROD Sani2 Validation of Pre-notification IPCEI H2 Technology' which contains validation e-mail confirming the pre-notification under EU state aid rules of four selected projects for the IPCEI H2 Technology

ii. Annex 6 – 'PROD Sani2 Validation of Pre-notification IPCEI H2 Industry' which contains validation e-mail confirming the pre-notification under EU state aid rules of four selected projects for the IPCEI H2 Industry

iii. Annex 8 – Assessment Criteria IPCEI H2 for the internal and external assessment of the project submissions following the second stage of the call for expression of interest.

iv. Link to a template for project portfolios (https://www.bmk.gv.at/dam/jcr:0b52d2e4-8fc4-4497-8c91-ee9221417484/project_portfolio_me2.docx) and a link to the public document 'IPCEI Frequently Asked Questions' (https://www.bmk.gv.at/dam/jcr:69ccb55e-722a-4d4f-a1f0-e413681dbe66/ipcei_faq.pdf), which further document the publication of the two-stage call for expression of interest.

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The Austrian projects regarding activities along the hydrogen value chain, covering hydrogen production, storage and applications have been selected based on recommendations of an independent expert panel, following the two-stage call for expression of interest.

In order to select companies for participation in the IPCEI Hydrogen, the Ministry for Climate Action (BMK) and the Ministry of Labour and Economy (BMAW) jointly conducted an open two-staged call for expression of interest in autumn 2020 and spring 2021 respectively. The first stage functioned as assessment of demand and interest, whereas the second stage built the basis for the selection of companies for further participation in the notification process at the European level.

Both the first stage as well as the second stage of the call for expression of Interest for the IPCEI Hydrogen were open to all potentially interested companies and were published on the official webpages of the Ministry for Climate Action (BMK) at the following link:

https://www.bmk.gv.at/themen/innovation/internationales/ipcei/ausschreibungen.html

The provided evidence 'Annex 3' contains the specifications of the Call for expression of interest – stage one, which was open from 2 October until 20 November 2020. Stage one mainly aimed at assessing the potential for Austria as well as the budgetary need for a participation in the IPCEI Hydrogen.

The provided evidence 'Annex 4' contains the specifications of the Call for expression of interest – stage two, which was open from 17 May until 20 June 2021. The aim of the second stage of the call was to select highly innovative projects for further participation in the upcoming notification process on European level. The documents concerning the stage two contained also a template for project portfolios and a public IPCEI Frequently Asked Questions document.

The provided evidence 'Annex 1 Jury Protocol' contains a qualitative and quantitative assessment of 20 submitted project applications. The assessment, which followed the stage two of the call, was conducted by two different panels of international experts, each composed of independent experts from Germany, Italy, Netherlands, and France.

Based on the assessment, the panel of experts recommended 14 project applications, did not recommend five projects' applications and rejected one on formal grounds.

The provided evidence 'Annex 8 - Assessment Criteria IPCEI H2 for the internal and external assessment of the project submissions' specifies in detail the internal and external assessment criteria, including their quantitative weight.

The provided evidence 'Annex 2 – AT Project Descriptions' as well as the summary document indicate the final list of eight project applications that were selected by the authorities in the final stage for the participation in the IPCEI Hydrogen Industry and the IPCEI Hydrogen Technology. The selection was based on (i) recommendation of the international expert as well as (ii) relevant national strategies and (iii) budgetary constraints.

Furthermore, in line with the requirement of the description of the measure the investment will provide funding to selected projects.

Austria provided evidence 'Annex 7 - Message to companies', which contains, for each of the eight selected project, feedback to the applicants with reference to the positive selection decisions issued by the AT Research and Promotion Agency (FFG).

The provided evidence 'Annex 5 – PROD Sani2 Validation of Pre-notification IPCEI H2 Technology" and the 'Annex 6 - PROD Sani2 Validation of Pre-notification IPCEI H2 Industry' demonstrate that Austrian authorities pre-notified the selected projects under the EU state aid rules. The Summary Document indicates that out of the eight selected and notified projects: (i) two projects decided to withdraw from the IPCEI Hydrogen Industry: the joint venture project '*Green Hydrogen@Blue Danube Jetstream*' of companies Agrana *Stärke GmbH* and *Verbund AG* (May 2022) and the project '*Carbon2Product*' by the company *C2PAT GmbH* (July 2022). On 15 July 2022, the European Commission approved under the EU state aid rules the first IPCEI Hydrogen (Hy2Tech), including all four selected and pre-notified Austrian projects by companies: *AVL List GmbH*, Robert *Bosch AG*, *Christof Industries Austria GmbH* and Plastic *Omnium New Energies Wels GmbH*. On 21 September 2022, European Commission approved the second IPCEI Hydrogen (Hy2Use), which includes two projects of companies *Borealis Agrolinz Melamine GmbH* and *Verbund AG*. In total, six out of eight projects selected projects have been approved under EU state aid rules as part of the IPCEI Hydrogen (Hy2Tech) and IPCEI Hydrogen (Hy2Use) and are expected to be implemented.

The 'Annex 2 – AT Project Descriptions' also contains project descriptions that demonstrate that the eight selected projects cover the hydrogen value chain, including hydrogen production, storage and applications. The eight projects selected by the authorities for the IPCEI Hydrogen Industry (*Hy2Use)* and the IPCEI Hydrogen Technology (*Hy2Tech*) represent integrated and highly innovative projects along the hydrogen value chain, particularly aiming at the production and application of renewable hydrogen. They cover also innovative storage to provide reliable supply of green hydrogen and decarbonisation of heavy-duty transportation on land and seaborne by focusing on hard-to-abate areas in the mobility sector.

Based on the project description of the eight selected projects, the following fields of the hydrogen value chain could be identified.

Company / Project code	production	storage	applications
Agrana Stärke GmbH & Verbund AG joint venture/ *Green Hydrogen @ Blue Danube Jetstream (AT27)* (withdrawn)	x		x
AVL List GmbH / *(AT10)*	x		
Borealis Agrolinz Melamine GmbH / *Green Hydrogen @ Blue Danube Green Ammonia (AT01)*	x		
C2PAT GmbH /*Carbon2Product (AT15)*			x

(withdrawn)			
Christof Industries Austria GmbH / *(AT24)*	x		
Plastic Omnium New Energies Wels GmbH / *H2 PO Wels (AT04)*			x
Robert Bosch AG / *HCCELLEA (AT13)*			x
Verbund AG / *Green Hydrogen @ Blue Danube Green Ammonia (AT12)*	x	x	

Furthermore, in line with the requirement of the description of the measure, the projects focus in particular on energy-intensive industrial and mobility sectors that are difficult to decarbonise as well as on research and development or first industrial deployment of components.

The 'Annex 2 – AT Project Descriptions' indicates the sectors and activities covered by the eight selected projects. Based on the use of renewable hydrogen, the projects entail: decarbonisation of hard-to-abate downstream fertilisers production and of cement production, advanced grid services including innovative storage and buffering solutions, production of sustainable aviation fuels involving novel output processes, development of hydrogen powertrain for heavy-duty transport, research and development of highly efficient high-temperature electrolysers, development of CO2-neutral fuel injection technologies for the heavy-duty engine sector. Each of the project entails research and development or first deployment activities, involving emissions-reducing innovations, novel processes, or first-of-its-class solutions.

Overall, the submitted evidence duly justifies that the technical specifications of the selected projects are aligned with the description, criteria, and conditions as set out in the milestone.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 107	**Related Measure: 4.A.2 Funding of primary health care projects**
Name of the Milestone: Adoption and publication of funding guidelines for primary health care projects	
Qualitative Indicator: Funding guidelines adopted and published	**Time:** Q4 2021

Context:

The investment aims to improve sustainability and resilience in healthcare by strengthening public health and primary health care. The measure aims to expand multi-professional primary health care units in Austria and to ensure low-threshold decentralised access to services for the population, especially in rural areas. To that end, the provision of primary health care units is increased, and projects in existing primary health care settings are financed, to shifting the weight from costly and less efficient hospital care.

Milestone 107 concerns the adoption and publication of funding guidelines for both the establishment of new primary health care units (PVE) and projects for existing primary health care.

Milestone 107 is the first step in the implementation of the investment, creating the basis for the implementation of projects in target 108 by Q4 2023 related to the funding of at least 50 projects related to primary health care, out of which at least 20 shall consist in the establishments of new primary health care units (centres and networks – also in rural areas), target 109 by Q2 2025 related to the funding of at least 100 projects related to primary health care, out of which at least 35 shall consist in the establishments of new primary health care units (centres and networks – also in rural

areas) and target 110 by Q2 2026 related to the funding of at least 170 projects related to primary health care, out of which at least 60 shall consist in the establishments of new primary health care units (centres and networks – also in rural areas). The investment has the final expected date for implementation on 31 August 2026.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the requirements of the milestone (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID annex) have been satisfactorily fulfilled.
ii. Support for the establishment of new primary health care units (*Gründungsförderung PVE*): a copy of the published funding guidelines, adopted by the Federal Minister of Social Affairs, Health, Care and Consumer Protection, for the establishment of new primary health care units. Link: https://www.sozialministerium.at/Themen/Gesundheit/Gesundheitssystem/Gesundheitsreform-(Zielsteuerung-Gesundheit)/Mehr-Gesundheit-durch-eine-gestaerkte-Primaerversorgung.htm (published on the on the website of the Ministry of Social Affairs, Health, Care and Consumer Protection)
iii. Support for projects for existing primary health care units (*Projektförderung PVE*): a copy of the published funding guidelines for projects for existing primary health care units, adopted by the Federal Minister of Social Affairs, Health, Care and Consumer Protection. Link: https://primaerversorgung.gv.at/foerderungen (published on the on the website of the Ministry of Social Affairs, Health, Care and Consumer Protection)
iv. Document on the formal adoption of the guidelines in the form of an internal workflow of all administrative steps by involved ministry officials and ultimately approval by signature of the minister responsible, Federal Minister of Social Affairs, Health, Care and Consumer Protection.

The authorities also provided:

i. Screenshot of the publication of both funding guidelines on the website of the Federal Ministry of Social Affairs, Health, Care and Consumer Protection on 30 December 2021.

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The funding guidelines for both the establishment of new primary health care units (PVE) and projects for existing primary health care shall be adopted and published.

The funding guidelines for both the establishment of new primary health care units (PVE) and projects for existing primary health care have been adopted and published. The adoption process is duly documented in the document of the formal adoption of the guidelines, showing the workflow and ultimately signature by the responsible Federal Minister of Social Affairs, Health, Care and Consumer Protection, and the publication is demonstrated by the continued availability of the guidelines on the public website of the Ministry of Social Affairs, Health, Care and Consumer Protection. Furthermore, the two funding guidelines include detailed provisions regarding the procedure and conditions to apply for funding.

Furthermore, in line with the description of the measure, the investment consists of two major funding parts: firstly to invest in at least 60 new primary care units (Primärversorgungseinrichtungen/PVE) compared to January 2021 and secondly to finance different projects in existing primary health care settings with a focus on environmental and social sustainability, digital and spatial infrastructure and training opportunities.

The funding guidelines relating to new primary health care units (designated projects of type A) in section 2 on objectives provide that environmental aspects must be taken into account when setting up new primary health care units, and focus placed on establishing multi-professional primary health care networks in rural areas. The funding guidelines relating to financing projects in existing primary health care settings (designated projects of type B) prominently articulate a focus on environmental and social sustainability, digital and spatial infrastructure, and training opportunities by naming these core priorities in section 2 on objectives.

Furthermore, in line with the *description targeted measures will be developed and implemented together with relevant stakeholders, such as the municipal association. When setting up new primary health care units, a special focus is to be placed on establishing multi-professional primary health care networks in rural areas by closely involving the respective municipalities.*

The implementation of the projects will have to be assessed as part of the subsequent targets of this measure - target 108 by Q4 2023, target 109 by Q2 2025 and target 110 by Q2 2026 – relating to the funding of a number of projects related to primary health care, including the establishments of new primary health care units (centres and networks – also in rural areas). However, the guidelines for both types A and B of projects in section 5 also specify the legal basis, which provides a basis for the involvement of municipalities and stakeholders. In particular, the Federal Law on primary health care (*Bundesgesetz über die Primärversorgung in Primärversorgungseinheiten*) sets out that all primary health care units must be tied into regional structural planning and registered as partner organisation with the national health insurance provider (*Österreichische Gesundheitskasse)*.
In line with this legal obligation, section 6 in both funding guidelines also specifies that applicants need to hold a contract with the national health insurance provider in order to be eligible.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 117	**Related Measure: 4.B.1 Soil protection strategy**
Name of the Milestone: Adoption of a road map for the Austrian soil protection strategy	
Qualitative Indicator: Publication of the adopted Roadmap	**Time:** Q4 2021

Context:
Milestone 117 is part of the reform *4.B.1 Soil protection strategy*, and the objective is to develop a soil protection strategy with the overarching aim of reducing the land use in Austria to net 2.5 hectare per day. Towards that goal, a framework shall be developed with all relevant planning bodies (federal level, Laender and municipalities) to agree on a strategic guidance to curb land use, specifying the overall objective to reduce the land use to 2.5 hectare per day.

Milestone 117 requires the agreement on the key elements of the Austrian soil protection strategy in the framework of the Austrian Conference on Spatial Planning (*Oesterreichische Raumordnungskonferenz*) as well as the adoption of a roadmap for the Austrian soil protection strategy.

Milestone 117 is the first step of the implementation of the reform, and it will be followed by milestone 118, related to the adoption of the Austrian quantitative soil protection strategy. The reform has a final expected date for implementation in Q4 2022.

Evidence provided:
In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. A summary document duly justifying how the milestone requirements have been satisfactorily fulfilled and linking the requirements to the ÖREK 2030 implementation package of the soil protection strategy for Austria has been provided.
ii. A copy of the adopted ÖREK 2030 implementation package of the soil protection strategy for Austria *(ÖREK 2030 Umsetzungspakt "Bodenstrategie für Österreich")* has been provided. It contains the motivation and the actions required for the implementation as well as a decision for the development of a soil protection strategy for Austria including its main objective. It is publicly available on the following website: https://www.oerok.gv.at/raum/oesterreichisches-raumentwicklungskonzept/bodenstrategie-fuer-oesterreich

Analysis:
The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The key elements and the roadmap for the soil protection strategy shall be adopted.

In line with the description of the measure, the first step of the reform is the development of, and the agreement on, the key elements of an Austrian soil protection strategy. The Austrian Spatial Development Plan 2030 (*Österreichisches Raumentwicklungskonzept ÖREK 2030*) was adopted on 20 October 2021 by the political decision-making body of the Austrian Conference on Spatial Planning (ÖROK, *Österreichische Raumordnungskonferenz*). It sets out the key elements of the Austrian soil protection strategy as well as a road map to develop a "Soil Protection Strategy for Austria". The Austrian Spatial Development Plan 2030 includes an action plan for implementation, the ÖREK 2030 implementation package of the soil protection strategy for Austria *(ÖREK 2030 Umsetzungspakt "Bodenstrategie für Österreich", hereinafter referred to as adopted implementation package for the Austrian soil protection strategy)*. This was adopted unanimously by the political decision-making body of the ÖROK in its meeting on 20 October 2021. The political decision-making body of the ÖROK includes all federal ministers and heads of the Laender, the presidents of the Austrian Association of Cities and Towns and the Austrian Association of Municipalities as well as the heads of the social and economic partners only with a consulting vote. The adopted implementation package for the Austrian soil protection strategy includes key elements such as the definition of concrete milestones and the agreement on an indicator-based monitoring system. Furthermore, it contains a roadmap, which was agreed upon on 20 October 2021 as a part of the adopted implementation package for the Austrian soil protection strategy. This is addressed in detail below. The implementation of the roadmap requires all consultations to take place in the expert bodies of ÖROK.

Main elements for the development of the strategy for the implementation shall be the definition of concrete milestones,

The road map defines concrete milestones (on page three of the adopted implementation package for the Austrian soil protection strategy (document ii)), including:

- The preparation of a nationwide harmonized data basis and uniform data collection methods
- The elaboration of a target system with quantitative national targets and target periods
- The development of regional targets coordinated with the national targets, taking into account spatial structural conditions
- The development of a nationwide monitoring system
- The identification and further development of particularly effective instruments and measures for a more efficient use of already existing potentials (especially inner development and re-densification, activation of empty spaces, recycling of brownfields, mobilization of dedicated building land) as well as those for the protection and development of natural, green and recreational areas
- The development of an action plan with concrete activities, milestones and target horizons for implementation by 2030

The agreement on an indicator-based monitoring system.

The strategy foresees the elaboration of an Austria-wide harmonised database and the development of uniform data collection methods. It was agreed by the ÖROK on 20 October 2021 that the development of target values and regional targets should be covered within the framework of the strategy (see key elements of the road map above). Furthermore, it was agreed among the ÖROK partners to address the monitoring of land take in the soil protection strategy (that is: frequency of the data updates, reporting categories such as areas for residential use, business use, motorways, national roads).
In line with the requirement in the Council Implementing Decision, the agreement has to be supported by all relevant institutional actors (federal level, Laender, municipalities).
All relevant institutional actors signed the implementation package for the Austrian soil protection strategy (federal ministers and heads of the Laender, the presidents of the Austrian Association of Cities and Towns and the Austrian Association of Municipalities as well as the heads of the social and economic partners).

Besides the overall objective (reduction of land use to 2.5 hectare per day), additional quantifiable targets and milestones shall be determined, based on negotiations between the Laender in the framework of the political Austrian Conference on Spatial Planning (*Oesterreichische Raumordnungskonferenz)*.

The adopted implementation package for the Austrian soil protection strategy includes the common overall target (reduction of land use to 2.5 hectare per day by 2030), to substantially reduce the increase in land use by settlement and transport areas and to reduce the amount of newly sealed land by 2030. The road map included in the adopted implementation package for the Austrian soil protection strategy also sets out additional quantifiable targets and milestones. This includes the elaboration of a target system with quantitative national targets and target periods, and the development of regional targets coordinated with the national targets. The additional targets and milestones resulted from negotiations between the Laender in the framework of the Austrian Conference on Spatial Planning.

Furthermore, in line with the description of the measure, the objective of the development of a soil protection strategy is to set up a framework for consensus-finding and coordination processes with all relevant planning bodies (federal level, Laender, and municipalities) to agree on a strategic

guidance to curb land use. The final aim of the soil protection strategy is to gradually reduce the land use in Austria to net 2.5 hectare per day until 2030.

In the adopted implementation package for the Austrian soil protection strategy, it is stated that a soil protection strategy for Austria shall be developed within the framework of ÖROK which includes all relevant planning bodies. The adopted roadmap defines the final aim of a net land reduction to 2.5 hectares per day until 2030 (federal government goal) and the common objective of a substantial reduction of land consumption is also stated.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 119	**Related Measure: 4.B.2 Reform to further develop care provision**
Name of the Milestone: Pilot projects on community nurses as element of the Reform of care provision	
Qualitative Indicator: Launch of community nursing model as part of the reform on care provision	**Time:** Q3 2021

Context:

The objective of the reform is to further develop care provision in order to address challenges in the long-term care sector due to the growing needs of the population in that area. Milestone 119 is part of reform 4.B.2, which aims at implementing a fundamental reform to further develop care provision.

Milestone 119 concerns the launch of the pilot project 'community nursing model' as part of the reform on care provision. Community nursing provides health services, preventive care, intervention and health education to alleviate pressure on hospitals and provide better healthcare outcomes to communities. Based on this pilot project, a common model for the national roll-out of this measure will be developed in the framework of the reform to further develop care provision.

Milestone 119 is the first step of the implementation of the reform and it will be followed by milestones 120 and 121, related to the publication of the principles for the long-term care target-based governance and the main elements of the long-term care reform to be reflected in the Intergovernmental Fiscal Relations Act. The reform has a final expected date for implementation on 31 March 2024.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the requirements of the milestone (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID annex) have been satisfactorily fulfilled.
ii. Call for proposed community nursing projects (*Fördercall*): copy of the call to submit proposals for "community nurses" projects issued by implementing agency *Gesundheit Österreich*. This sets out the concept of community nursing, the criteria to obtain funding and information on the funding application process;
iii. Special Directive on community nursing (*Sonderrichtlinie für den österreichischen Aufbau- und Resilienzplan – Maßnahme Community Nursing*): issued by the Federal Ministry of

Social Affairs, Health, Care and Consumer Protection, containing the project description and legal provisions underlying the call;

iv. Audit report on the pilot project on community nursing; (*Systemprüfung 4.B.4, Investition in die Umsetzung von Community Nursing)*: copy of the report of the system audit of the pilot project issued by the Federal Accounting Agency (*Buchhaltungsagentur)* certifying the start of implementation of the pilot project on community nursing;

v. Concept for expansion (*Expansionskonzept*): issued by the Federal Ministry of Social Affairs, Health, Care and Consumer Protection which sets out how, based on this pilot project, a common model for a national roll-out of this measure will be developed in the framework of the reform to further develop care provision.

The authorities also provided:

i. Description of tasks of a community nurse (*Aufgabenprofil*): a supporting document for the call alongside the Special Directive issued by implementing agency *Gesundheit Österreich* which explains the tasks of a community nurse for the information of potential applicants.

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

At the beginning of the reform process, the pilot project 'community nurses' shall be implemented as a pilot project of the reform.

The pilot project 'community nurses' has been implemented through issuance of the funding call document published on 21 October 2021. A kick-off event took place on 13 September 2021 to raise public awareness ahead of this call. Submission of funding applications was possible until 2 December 2021, and funding contracts have since been signed. The funding call document (*Fördercall Community Nursing*) describes the concept, including objectives and vision from page 1, followed by project details as well as the funding criteria and information on the funding application process from page 9.

In addition to the funding call, additional project details were published with the 'Special Directive regarding Community Nursing' (*Sonderrichtlinie für den österreichischen Aufbau- und Resilienzplan – Maßnahme Community Nursing*), which was made available on the website of the Federal Ministry of Social Affairs, Health, Care and Consumer Protection in October 2021 at the same time as the start of the funding call. It contains legal provisions on the pilot project, funding objectives, procedure and implementation as well as indicators to be used for the evaluation of the project, including ultimately the reach of users of community nursing. Furthermore, a detailed task profile for community nurses (*Aufgaben- und Rollenprofil Community Nurse*) the summary document states was published together with the funding call on the website of the national institute on healthcare research and planning *Gesundheit Österreich*, covering all aspects of the community nurses' work.

Finally, the report of the system audit of the pilot project (S*ystemprüfung, 4.B.4 Investition in die Umsetzung von Community Nursin*g) issued by the Federal Accounting Agency (*Buchhaltungsagentur*) confirms the application of an effective and efficient control system at the Federal Ministry of Social Affairs, Health, Care and Consumer Protection regarding the project and the absence of indications of corruption, fraud, conflicts of interest and double financing. The conclusion on page 6 states the audit has found that the pilot project 'community nurses' has achieved its aim as specified in the Operational Arrangements agreed with the European Commission.

Based on this pilot project, a common model for national roll-out of this measure shall be developed in the framework of the reform to further develop care provision.

The concept document on the expansion of community nursing (*119_5_Expansionskonzept.pdf*) describes the envisaged way forward to expand community nursing in Austria and advance it as an important part of the care reform. Section 4 from page 6 defines the tenets of a common model for the planned roll-out and continuation of community nursing after the end of the pilot phase, that is beyond 2024.
For this purpose, the concept document depicts the project structure and evaluation as well as the structures for a sustainable expansion. As explained in section 3 of the concept document, only the pilot phase of community nursing is financed through the Recovery and Resilience Facility, which concludes in 2024 including the investment measure 4.B.4. Important levers of the common model are described in section 4 of the expansion concept on the basis of which community nursing is to be further developed in order to enable an Austria-wide expansion: direct and indirect benefits, the adaptation of tasks, the analysis and further development of the competences as well as the consideration of the regional structures and framework conditions for a successful expansion.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 122	**Related Measure: 4.B.3 Climate-friendly town centres**
Name of the Milestone: Adoption of the funding guidelines for the four areas of intervention	
Qualitative Indicator: Funding guidelines published	**Time:** Q3 2021

Context:

Milestone 122 is part of the investment 4.B.3 Investment in climate-friendly town centres, whose objective is to raise the attractiveness of town centres, notably in rural areas, by supporting the often-costly investment in necessary measures to make buildings fit for the green transition, thereby preventing the use of new land outside the town centres and making a positive contribution to reduction of mobility.

Milestone 122 requires the adoption of the funding guidelines for the renovation of buildings in town centres, defining the eligible projects as (i) thermal renovation of commercial and communal buildings, (ii) façade-greening projects, (iii) connection of buildings to high-efficiency district heating, and (iv) recycling of brownfield land.

Milestone 122 is the first milestone of the investment, and it will be followed by targets 123-130, related to concrete targets for completed projects in the fields of (i) thermal renovation of commercial and communal buildings, (ii) façade-greening projects, (iii) connection of buildings to high-efficiency district heating, and (iv) recycling of brownfield land. The investment has a final expected date for implementation in Q2 2026.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document provided by the Austrian authorities: duly justifying how the milestone requirements have been satisfactorily fulfilled and linking the requirements to the documents ii)-iv).

ii. IFRL_UFI.pdf (as uploaded to FENIX): The funding guidelines for three of the four measures (thermal renovation of commercial and communal buildings, façade greening projects, connection of buildings to high-efficiency district heating) which were approved by the Minister for Climate Action on 30 March 2022.

Link:
https://www.umweltfoerderung.at/fileadmin/user_upload/media/umweltfoerderung/Uebergeordnete_Dokumente/IFRL_UFI.pdf

iii. FRL_Flaechenrecycling.pdf (as uploaded to FENIX): The funding guidelines for the recycling of brownfield sites were approved by the Minister for Climate Action on 10 March 2022.

Link:
https://www.publicconsulting.at/fileadmin/user_upload/umweltfoerderung/uebergeordnete_dokumente/FRL_Flaechenrecycling.pdf

The authorities also provided:

i. BGBLA_2022_I_26.pdfsig.pdf (as uploaded to FENIX): The Environmental Promotion Law *(Umweltförderungsgesetz)* as revised and approved by the Austrian parliament and published in the Federal Law Gazette I No 26/2022 on 18 March 2022, providing the legal basis for the funding of this measure.

Link:
https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2022_I_26/BGBLA_2022_I_26.html

ii. UFG_Consolidated.pdf (as uploaded to FENIX): Consolidated Version of the Environmental Promotion Law including revisions in BGBLA_2022_I_26.pdfsig.pdf.

Link:
https://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10010755/UFG%2c%20Fassung%20vom%2021.11.2022.pdf

iii. UFI_Infoblatt_WAERMERZEUGER_PAU.pdf (as uploaded to FENIX): Information sheet "Renewable heat generation < 100 kW for businesses *(Erneuerbare Wärmeerzeugung < 100 kW für Betriebe)"* to inform businesses of funding opportunities related to connection of buildings to high-efficiency district heating.

Link:
https://www.umweltfoerderung.at/fileadmin/user_upload/media/umweltfoerderung/Dokumente_Betriebe/Raus_aus_Oel_Erneuerbare_Waermeerzeugung_100_kW/UFI_Infoblatt_WAERMERZEUGER_PAU.pdf

iv. UFI_Standardfall_Infoblatt_FERNW.pdf (as uploaded to FENIX): Information sheet "Connection to local/district heating ≥ 100 kW for businesses *(Anschluss an Nah-/Fernwärme ≥ 100 kW für Betriebe)"* to inform businesses of funding opportunities related to connection of buildings to high-efficiency local and district heating.

Link:
https://www.umweltfoerderung.at/fileadmin/user_upload/media/umweltfoerderung/Dokumente_Betriebe/Fernwaermeanschluss_Standardfall/UFI_Standardfall_Infoblatt_FERNW.pdf

v. UFI_Standardfall_Infoblatt_GEBSAN.pdf (as uploaded to FENIX): Information sheet "Thermal renovation of buildings for businesses (*Thermische Gebäudesanierung für*

Betriebe)" to inform businesses of funding opportunities related to the thermal renovation of buildings and façade-greening projects.

Link:
https://www.umweltfoerderung.at/fileadmin/user_upload/media/umweltfoerderung/Dokumente_Betriebe/SUN_Betriebe/UFI_Standardfall_Infoblatt_GEBSAN.pdf

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The funding guidelines for the renovation of buildings in town centres have been adopted.

The Funding Guidelines for Domestic Environmental Investments *(Investitionsförderungsrichtlinien für die Umweltförderung im Inland, hereinafter referred to as IFRUI)* have been adopted by the Minister for Climate Action on 30 March 2022. Article 4(1) defines eligible projects, which include the thermal renovation of commercial and communal buildings, façade-greening projects, and connection of buildings to high-efficiency district heating. The Funding Guidelines for the Recycling of Brownfield Sites (*Förderungsrichtlinien Flächenrecycling, hereinafter referred to as FRFR)* have been adopted by the Minister for Climate Action on 10 March 2022. Article 3(1) lists different types of projects related to the recycling of brownfield sites that are eligible for funding. The adopted guidelines have been published (see evidence ii) and iii)).

The law regulating the funding of environmental investments in Austria is the Environmental Promotion Law (*Umweltförderungsgesetz, hereinafter referred to as UFG).* The funding guidelines refer to the UFG to define eligible projects for funding, consequently, the UFG has been revised to provide a legal basis for the newly adopted funding guidelines. Amendments to the UFG have been published in the Federal Law Gazette I No 26/2022 on 18 March 2022. Those amendments provide the legal basis for the funding of projects laid out by the adopted funding guidelines. Article 24(1) sub-paragraph 1a UFG is added to include thermal renovation of commercial and communal buildings, as well as facade greening projects as eligible projects for funding. Article 24(1) sub-paragraph 1b UFG is added to include projects related to the connection of buildings to high-efficiency district heating. Furthermore, Article 30a UFG is added to include projects related to the recycling of brownfield land. These amendments entered into force on 19 March, as determined by Article 53(26) of the act amending the UFG.

The funding guidelines and the amended UFG include the renovation of buildings in town centres, following from Article 24 UFG and Article 4 IFRUI. In addition, the information sheets "Renewable heat generation < 100 kW for businesses *(Erneuerbare Wärmeerzeugung < 100 kW für Betriebe)",* "Connection to local/district heating ≥ 100 kW for businesses *(Anschluss an Nah-/Fernwärme ≥ 100 kW für Betriebe)",* and "Thermal renovation of buildings for businesses (*Thermische Gebäudesanierung für Betriebe)"* inform businesses how to make use of the funding opportunities stemming from the newly adopted guidelines.

Eligible projects shall be: (i) thermal renovation of commercial and communal buildings (i), (ii) façade-greening projects, (iii) connection of buildings to high-efficiency district heating,

This follows from Article 4(1) IFRUI in conjunction with Article 24(1) subparagraphs 1a-1b UFG. Article 4(1) sub-paragraph 1a IFRUI in conjunction with Article 24(1) sub-paragraph 1a UFG regulate that investments for the efficient use of energy are eligible for funding, including the thermal renovation of commercial and communal buildings as well as façade-greening projects. Article 4(1) sub-paragraph 1d IFRUI in conjunction with Article 24(1) sub-paragraph 1b UFG determine that the connection of buildings to high-efficiency district heating is eligible for funding.

and (iv) recycling of brownfield land. This follows from Article 3(1) FRFR in conjunction with Article 30a UFG. Various types of projects are eligible for funding, including the creation of concepts for the development of unused or underused areas and connected investigations of the subsoil or building fabric and area-related additional measures.
Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 131	**Related Measure: 4.B.4 Investment in the implementation of Community Nursing**		
Name of the Target: Start of community nurses work			
Quantitative Indicator: Number of new community nurses having started to work	**Baseline: 0**	**Target: 50**	**Time:** Q3 2021

Context:

The measure aims to establish a network of community nurses in Austria. The objective of the establishment of community nursing in Austria is to make a significant contribution to local, low-threshold and needs-based care; community nurses are central contact persons who coordinate various services (such as therapies and social services) and play a central role in the field of prevention. In the course of the project, 150 community nurses shall be posted nationwide as part of the pilot project within the framework of fixed-term employment contracts.

Target 131 requires that at least 50 community nurses have started to work.

Target 131 is the first step of the implementation of the investment, and it will be followed by milestone 132 related to the presentation of the interim evaluation report and target 133 related to 150 community nurses being active at national level and the final evaluation, that covers the performance of all 150 Community Nurses. The implementation of the investment shall be completed by 31 December 2024.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document: duly justifying how the target requirements (including all its constitutive elements, as set out in the description of the target and of the corresponding measure in the CID Annex) have been satisfactorily fulfilled
ii. Complete list of 55 community nurses that have started to work: For each of the 55 community nurses that have started to work, the list includes an ID number, information on their qualification (graduate nurse) with, for each of them, their ID number or unique identifier, information on their qualification (graduate nurse) and further relevant qualifications (such as completed courses in community nursing, family health nursing, public health nursing), information on the duration of his/her professional experience, information on the region where they started to work

iii. Copy of Employment contracts (*Arbeitsverträge*) for all 55 community nurses included in the list have been provided as a proof that community nurses have started to work.
iv. Copy of the certificates of employment from the social insurance (*Versicherungsdatenauszüge*) and/or confirmations of employment from the previous employers (*Dienstzeugnisse*) for all 55 community nurses included in the list
v. Copy of the funding call for the Community Nurses *(Fördercall Community Nurses*): It defines all the funding criteria and includes also requirements that community nurses with relevant qualification were preferably employed.

The authorities also provided:

i. Special directive for the Austrian recovery and resilience plan – Community Nursing measure (*Sonderrichtlinie fuer den österreichischen Aufbau- und Resilienzplan – Massnahme Community Nursing*, hereinafter referred to as special directive for Community Nursing)
ii. Information on the termination of an employment relationship on the portal of the Austrian chamber of labour ("*Portal der Arbeiterkammer: Kündigung durch den Arbeitgeber*", hereinafter referred to as information on the terimination of an employment relationship"),

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the target.

At least 50 community nurses have started to work.

This is proven by the provision of the individual employment contracts *(Arbeitsverträge)* for the 55 community nurses included in the complete list on the basis of which they have started to work. All 55 contracts show a starting date for the community nurses within the required timeframe of the beginning of the measure as of January 2022. Employment within the community nurse project is for a limited period of time, which is defined by the special directive for Community Nursing and the funding call for community nurses. On page 7 of the Special Directive on Community Nursing it is stated that funding shall be awarded for a limited period of time and that the projects are to be designed for a period of three years, beginning no earlier than January 2022 and ending no later than December 2024.

Furthermore, in line with the description of the measure community nurses are qualified nurses with at least two years of professional experience.

The funding call stipulates on page 11 that the employed community nurses had to have the professional authorisation to exercise the higher service for health care and nursing and at least two years of professional experience. This corresponds to a certified nurse and health care worker (*diplomierte:r Gesundheits-und Krankenpfleger:in*, DGKP). On page 11 the funding call for Community Nurses also state that the qualification has to be checked against the Health Professional Register at the time of recruitment. The Health Professions Register is an official register and is regulated in the Federal Act on the Registration of Health Professions (Health Professions Register Act – GBRG), BGBl. I Nr. 87/2016. Since 1 July 2018, registration in the register of health care professions has been a prerequisite for members of the health care and nursing professions as well as the higher medical-technical services to be allowed to work in the respective health care profession (GBR profession). Article 6 (2) of the GBRG provides for the registration of

qualifications or proof of qualification in the respective health profession. According to Article 15, the qualification certificates must be submitted for registration and documented by the registration authority (https://gbr-public.ehealth.gv.at/).

The two years of professional experience are proven by the certificates from the social insurances (*Versicherungsdatenauszüge*) or confirmations of employment from previous employers (*Dienstzeugnisse*). The documents provided for the 55 community nurses included in the complete list show that they all have at least two years of professional experience, either proven by the certificates from the social insurances or the confirmations of employment from previous employers. The certificates from the social insurances show professional experience of community nurses either in the care or a closely related medical sector, such as nursing in a hospital or medical facility, or in a related field in public administration. Public administration experience (in combination with the professional authorisation to exercise the higher service for health care and nursing) is especially relevant given the broad range of tasks that a community nurse has to fulfil, for instance networking, collaboration with communities, local authorities and agencies, management, presentation. Several of the received employment confirmations do not include a reference to a specific function but refer to previous jobs as heavy labour *(Schwerarbeit)*. For nurses, this is common, as care work often fulfils the conditions set out in Article 1(1-4) of the heavy labour regulation (available at: https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20004642
). Meanwhile, Article 1(5) of the heavy labour regulation refers to the care work for individuals with special treatment or care needs, thus specialized care work. Thus, it can be assumed that references to heavy work under these stipulations, which are found in community nurses' employment confirmation, indicate experience in care work.

Furthermore, in line with the description of the measure community nurses with further relevant qualification (such as courses on community nursing, family health nursing, public health nurses) shall be preferably employed.

The funding call for Community Nurses states on page 11 that additional qualifications are preferred. It stipulates as requirements for the exercise of the role of community nurse a professional authorisation to exercise the higher service for health and nursing care, at least two years of professional experience and that community nurses with further qualifications towards a systemic perspective such as courses on Community Nursing, Family Health Nursing, Public Health Nursing are preferred. Information on additional qualifications of each community nurse, which was extracted from the Health professions' register (GBR) (see above), is provided in the complete list of the 55 community nurses. 18 out of the 55 community nurses employed and included in the list are nurses with further relevant qualification.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 134	**Related Measure: 4.C.1 Development of a building culture programme**
Name of the Milestone: Fourth Building Culture report	
Qualitative Indicator: The building culture report has been published	**Time:** Q3 2021

Context:

The measure aims to establish a reference framework to encourage integrating high quality architecture into the built environment, taking into account social, ecological, economic and

cultural components. The measure aims at raising awareness for building culture and to integrate aspects of the green transition in this area.

Milestone 134 entails the publication of the fourth building culture report. That report is meant to set the agenda for a reform of building culture in Austria for the coming years and to outline concrete measures for a building culture programme.

Milestone 134 is the only milestone or target of reform 4.C.1.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the requirements of the milestone (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID annex) have been satisfactorily fulfilled. This includes a link to the publication of the fourth building culture report on the website of the Federal Ministry for Arts, Culture, Civil Service and Sport: https://www.bmkoes.gv.at/baukultur#BKR4, as well as the link for a direct download of the report: https://www.bmkoes.gv.at/dam/jcr:e41d4c7d-a294-402d-ae14-9746fb637613/vierter_Baukulturreport_BF.pdf.
ii. The Fourth Building Culture Report (*Vierter Baukulturreport*), published in September 2021 by the Federal Ministry for Arts, Culture, Civil Service and Sport.

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The fourth building culture report has been published.

The fourth building culture report was published on the website of the Ministry on 30 September 2021. Austria provided a copy of the relevant report in the document Fourth_Building_Culture_Report_annex_1.pdf (ii), as well as links to show its publication on the website of the Federal Ministry for Arts, Culture, Civil Service and Sport included in the summary document (i).

It shall set the agenda for a reform of building culture in Austria for the coming years and outline concrete measures for a building culture programme.

The Fourth Building Culture Report was commissioned by the Federal Ministry for Arts, Culture, the Civil Service and Sport and co-authored by a broad representation of stakeholders organised in the platform on building culture policy (*Plattform Baukulturpolitik)* and the Research Institute for Urban Management and Governance of the Vienna University of Economics and Business.
The report sets the agenda for a reform of building culture in Austria for the coming years as per the outline in chapter 1 on pages 8 and 9. After referring to international practice in other EU Member States from page 10, the report defines relevant issues from page 17. It then defines the objectives on research, consulting, collaboration and quality development in chapter 4 on page 23, followed by presenting detailed proposals by an independent panel of renowned experts for a

building culture programme in chapter 5 on pages 24-49. These amount to proposals to devote greater resources to building culture, including through setting up an agency. The summary document duly summarises the objectives and proposed actions as well as the intended follow-up.

Furthermore, in line with the description of the measure, the reform shall create better legal, financial and structural framework conditions for high-quality building. The ability to connect to European requirements plays an essential role.

The Fourth Building Culture Report addresses this in chapter 1 which sets out the objective that the framework for building culture (*'Baukultur')* combines high quality architecture and built environment taking into account social, ecological, economic and cultural components. Provisions in chapters 6 specify proposals on the legal-institutional implementation and chapter 7 on the impact assessment on pages 50 to 73 of the report. The importance of the ability to connect to European requirements is described in chapter 1 on page 8 and 9 of the report, and examples in other EU Member States are cited in chapter 2. The objective of the reform is to establish a framework for 'Baukultur' which combines high quality architecture and built environment taking into account social, ecological, economic and cultural components, and as the Fourth Building Culture Report sets out, fitting into European initiatives is indeed essential.

The Fourth Building Culture Report serves as a reference document for spatial planning purposes, and was also adopted on 20 October 2021 by the Austrian Conference on Spatial Planning (*Österreichische Raumordnungskonferenz, ÖROK*), a political decision-making body chaired by the Federal Chancellor, including all Federal Ministers and Heads of the Länder, the presidents of the Austrian Association of Cities and Towns and the Austrian Association of Municipalities as well as the heads of the social and economic partners.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 137	**Related Measure: 4.C.3 Renovation of Volkskundemuseum Wien and Prater Ateliers**
Name of the Milestone: Feasibility studies for the Volkskundemuseum Wien and Prater Ateliers	
Qualitative Indicator: Feasibility studies published	**Time:** Q4 2021

Context:

The objective of the investment is to demonstrate, with selected renovation projects, how they may become models of combining a living building culture with the aim of environmentally conscious monument protection.

Milestone 137 is part of investment 4.C.3 to renovate the Volkskundemuseum Wien and Prater Ateliers, two renowned cultural institutions in Austria's capital.

Milestone 137 consists of the completion of feasibility studies for both these renovation projects.

Milestone 137 is the first step of the implementation of the investment and it will be followed by milestone 138, related to the reopening of the Prater Ateliers, and milestone 139, related to the completion of the rehabilitation of the Volkskundemuseum. The investment has a final expected date for implementation on 30 June 2026.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the requirements of the milestone (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID annex) have been satisfactorily fulfilled. This also contains the link to the project information on the website of the Federal Ministry of the Arts, Culture, Civil Service and Sport where the completed feasibility studies are available on request of the competent audit bodies: https://www.bmkoes.gv.at/Kunst-und-Kultur/europa-und-internationales/EU-Aufbau-und-Resilienzfazilit%C3%A4t/%C3%96kologische-Sanierung-Prateratelieres-und-Volkskundemuseum-Wien.html

ii. Feasibility study on the historical artists' quarters Prater Ateliers (*PRATERATELIERS Machbarkeitsstudie*): a copy of the feasibility study for the renovation of the Prater Ateliers ("*Machbarkeitsstudie*") completed in October 2021 by DI Gunter Palme ZT GmbH. It was commissioned by the state-owned enterprise responsible for managing the state's real estate portfolio *Bundesimmobiliengesellschaft* on behalf of the Federal Ministry of the Arts, Culture, Civil Service and Sport. It includes a collection of geographic reference data, detailed measurements of the property and buildings as well as a description of the basic features of the Prater Ateliers and works deemed necessary taking into account considerations with regard to the protection of monuments and energy efficiency.

iii. Feasibility study on the museum of folk art in Vienna (*VOLKSKUNDEMUSEUM WIEN Machbarkeitsstudie*): a copy of the feasibility study for the renovation of the Volkskundemuseum Wien ("*Machbarkeitsstudie*") completed in October 2021 by Architektur Atelier Kiener ZT KEG. It was commissioned by the City of Vienna, MA 34 (Municipal Department 34 - Building and Facility Management). It includes a collection of geographic reference data, detailed measurements of the property and buildings as well as a description of the basic features of the Volkskundemuseum Wien and works deemed necessary taking into account considerations with regard to the protection of monuments and energy efficiency.

iv. Information sheet on the advisory board for building culture support *(Baukulturelles Beratungsgremium):* This was established on 4 November 2022. It sets out the composition and tasks of the Advisory Board for Building Culture, including advising the Federal Ministry of the Arts, Culture, Civil Service and Sport and implementing bodies on reporting. Included are the letters of appointment containing an official reference number and the corresponding approval of that decision by the State Secretary in the Federal Ministry of the Arts, Culture, Civil Service and Sport.

The authorities also provided:

i. Monument protection annex: contains an extract from the land register attesting the geographical data for the Prater Ateliers, the regulation of the Federal Monuments Authority for the Prater Ateliers, an extract from the land register attesting the geographical data for the Volkskundemuseum Wien, and the regulation of the Federal Monuments Authority Volkskundemuseum Wien.

Analysis:
The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

Feasibility studies for the two renovation projects have been completed and are available.

Copies of the completed feasibility studies were provided, as well as a link in the summary document to the website of the Federal Ministry of the Arts, Culture, Civil Service and Sport including the reference that they are available on request from the competent audit bodies.

They shall include a collection of geographic reference data, measurement of the property and buildings, preparation of basic reports taking into account the protection of monuments and energy efficiency, as well as the appointment of the planning advisory board for the building culture support of the renovation projects.

For the Prater Ateliers, the geographic reference data and the measurement of the property and buildings are indicated from page 7 to 26 and on page 36 of the feasibility study document M137_Feasibility study Prater Ateliers_annex 1.pdf. That feasibility study also outlines a basic report on the general redevelopment with a focus on monument protection on pages 4 and 15, as well as improving energy efficiency on pages 28 to 30.
For the Volkskundemuseum Wien, the geographic reference data and the measurement of the property and buildings are indicated pages 51 to 54 and pages 73 to 76 of the feasibility study document M137_Feasibility study Volkskundemuseum_annex 2.pdf. That feasibility study also includes a detailed technical report on the redevelopment to improve energy efficiency from page 55, taking into account monument protection as explicitly defined as an objective on page 58.
The project specific planning advisory board ("*Baukulturelles Beratungsgremium*") was established in November 2022 as set out in the information sheet M137_Advisory board_annex_4.pdf and approved by decision of the State Secretary in the Federal Ministry of the Arts, Culture, Civil Service and Sport. It consists of art historians, monument conservators, architects and experts from the Federal Ministry of Arts, Culture, Civil Service and Sport, the Federal Monuments Authority, the City of Vienna and the Advisory Board for Building Culture. That document also sets out the objective of the advisory board constituting building culture support of the renovation projects: tying stakeholders into the implementation of the renovation, contributing to the monitoring of building culture aspects and advice on the formulation of reports in that respect.

The Council Implementing Decision required that the appointment of the planning advisory board for the building culture support of the renovation projects be included in the feasibility studies. As explained in the above, both feasibility studies are of a technical nature and completed by architectural bureaus in October 2021. The appointment of the planning advisory board for the building culture support of the renovation projects, on the other hand, was established on 4 November 2022 by the Federal Ministry of the Arts, Culture, Civil Service and Sport and associated public bodies. Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, the appointment by decision of the State Secretary in the Federal Ministry of the Arts, Culture, Civil Service and Sport is the appropriate means for the appointment of the planning advisory board, not a mention in the feasibility studies. In this respect, the substantive aims were achieved, namely that both the feasibility studies and the appointment of the planning advisory board for the building culture support were completed. As of this, this minimal deviation does not change the nature of the measure and does not affect the progress towards achieving the reform that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

Furthermore, in line with the description of the measure, these projects combine a living building culture with the aim of environmentally conscious monument protection by enabling to maintain

the public use of these two cultural objects with extensive efforts to increase energy efficiency and reduce CO2 emissions.

Both feasibility studies in documents M137_Feasibility study Prater Ateliers_annex 1.pdf and M137_Feasibility study Volkskundemuseum_annex 2.pdf envisage a general redevelopment with a focus on monument protection with the requirements for a listed building and building culture. The focus is set on an increase of energy efficiency and the reduction of CO2 emissions in the respective objectives of these documents, page 4 in M137_Feasibility study Prater Ateliers_annex 1.pdf and on page 58 in M137_Feasibility study Volkskundemuseum_annex 2.pdf.

The information sheet M137_Advisory board_annex_4.pdf as approved by decision of the State Secretary in the Federal Ministry of the Arts, Culture, Civil Service and Sport describes objectives of the project specific planning advisory board that ensure holistic quality criteria according to the principles of the state-owned enterprise responsible for managing the state's real estate portfolio as well as up-to-date participation and planning procedures. That prepares the ground for holistic quality criteria as well as up-to-date participation and planning procedures to be used in implementing the two renovation projects in line with the description of the measure.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 143	**Related Measure: 4.C.5 Investment fund for climate-friendly cultural businesses**
Name of the Milestone: Entry into force of the funding guidelines establishing the investment fund	
Qualitative Indicator: Entry into force of the funding guidelines establishing the investment fund	**Time:** Q4 2021

Context:

The measure aims to support cultural institutions by increasing their capacity for investments in a more ecological design of their operational structures. The measure shall increase the possibility for the realisation of such investments and also raise awareness of medium to long-term cost savings if such investments are realised.

The investment consists of funding for the following areas: renewable energy sources (such as photovoltaics, heat pumps or biomass); energy saving measures (such as heating optimisation or lighting optimisation); circular economy (such as reduction of raw material consumption); adaptation measures to climate change (such as green facades for cooling).

Milestone 143 concerns the entry into force of funding guidelines establishing the investment fund for climate-friendly cultural businesses, creating the legal basis for the launch of expressions of interest. The fund shall be mandated to invest in the following areas: renewable energy sources (such as photovoltaics, heat pumps or biomass); energy saving measures (such as heating optimisation or lighting optimisation); circular economy (such as reduction of raw material consumption); adaptation measures to climate change (such as green facades for cooling).

Milestone 143 is the first step of the implementation of the investment 4.C.5 to set up an investment fund for climate-friendly cultural businesses, and it will be followed by milestones 144 by Q2 2022, related to a first call for expressions of interest for financing available under this

investment fund, and 145 by Q3 2025, related to the contract award of climate-friendly cultural businesses projects.

The investment has a final expected date for implementation on 30 September 2025.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the requirements of the milestone (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID annex) have been satisfactorily fulfilled.
ii. Funding guidelines establishing the investment fund for climate-friendly cultural businesses (*Sonderrichtlinien des Bundesministeriums für Kunst, Kultur, öffentlichen Dienst und Sport für die Gewährung von Förderungen für klimafitte Kulturbetriebe*): issued by the Federal Ministry for Arts, Culture, Civil Service and Sport, including the provision in section 11 on page 27 that these entered into force on 19 August 2022.

The authorities also provided:

i. Link to the publication of the funding guidelines on the website of the Federal Ministry for Arts, Culture, Civil Service and Sport: https://www.bmkoes.gv.at/Kunst-und-Kultur/rechtsgrundlagen.html#richtlinien-fuer-die-gewaehrung-von-foerderungen
ii. Direct download link to the funding guidelines on the website of the Federal Ministry for Arts, Culture, Civil Service and Sport: https://www.bmkoes.gv.at/dam/jcr:4ea1308a-108c-4476-870f-db96525edd6e/Sonderrichtlinien_Klimafitte_Kulturbetriebe.pdf

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

With the entry into force of funding guidelines establishing the investment fund for climate-friendly cultural businesses, the legal basis has been created for the launch of expressions of interest.

The funding guidelines establishing the investment fund for climate-friendly cultural businesses issued by the Federal Ministry for Arts, Culture, Civil Service and Sport (*Sonderrichtlinien des Bundesministeriums für Kunst, Kultur, öffentlichen Dienst und Sport für die Gewährung von Förderungen für klimafitte Kulturbetriebe,* hereinafter referred to as the funding guidelines) entered into force on 19 August 2022, as provided for in section 11 on page 27 of the funding guidelines. The funding guidelines establish the investment fund for climate-friendly cultural businesses and form the legal basis for the launch of calls for expressions of interest in financing under that fund. The objectives and process of these expressions of interest are set out in section 3 of the funding guidelines, starting on page 6.

The fund shall be mandated to invest in the following areas: renewable energy sources (such as photovoltaics, heat pumps or biomass); energy saving measures (such as heating optimisation or lighting optimisation); circular economy (such as reduction of raw material consumption); adaptation measures to climate change (such as green facades for cooling).

Section 3.3 of the funding guidelines on pages 8-9 sets out the areas the fund is mandated to directly or indirectly invest in as follows:

(a) renewable energy sources: wind, sun (such as solar thermal energy, photovoltaics), geothermal energy and ambient energy (such as heat pumps, hydropower, and energy from biomass, landfill gas and biogas;
(b) energy saving measures: climate-friendly heating, ventilation and cooling (district heating/cooling, heat-/cold-recovery, external sun protection), energy-efficient interior and outdoor lighting (such as LEDs, motion detector, daylight systems), thermal building insulation (insulation of external walls, roof, windows and external doors, glazing);
(c) circular economy: measures to reduce the use of natural resources and CO_2 emissions (such as installation of climate-smart technology for measuring, control and regulation, heat-/cold-recovery);
(d) adaption measures to climate change: green facades and roofs for cooling.

Furthermore, in line with the description of the measure, the measure shall increase the possibility for the realisation of investments in a more ecological design of their operational structures, and also raise awareness of medium to long-term cost savings if such investments are realised.

The availability of grants with the mandate as set out in the above facilitate the realisation of these investments. The funding guidelines and process of calls for expressions of interest also raise awareness of medium to long-term cost savings of these investments.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 152	**Related Measure: 4.D.2 Increase in effective retirement age**
Name of the Milestone: Establishment of the legal basis for the abolishment of the early retirement pension without deduction, as well as for the introduction of the early starter bonus and the postponement of the first pension increase (Aliquotierung)	
Qualitative Indicator: Publication of the Social Insurance Amendment Act 2020 in Austria's legal information system	**Time:** Q4 2020

Context:

The objective of the reform is to improve the sustainability of the pension system and to minimise the risk of old age poverty by recognising early entries into working life while abolishing early retirement pensions. The reform consists of (i) the abolishment of the early retirement pension without deductions, (ii) the introduction of the so-called "Frühstarterbonus" (early starter bonus) which is an additional 1 euro on the pensions for each month worked between the ages of 15 and 20 and (iii) the postponement of the first pension increase (*Aliquotierung*).

Milestone 152 concerns the legal basis for the abolishment of the early retirement pension without deduction, as well as for the introduction of the early starter bonus and the postponement of the first pension increase (*Aliquotierung*).

Milestone 152 is the first step in the implementation of the reform, and will be followed by milestone 153, related to the effective implementation of the early starter bonus (replacing early retirement pensions without deduction) and to the postponement of the first pension increase (*Aliquotierung*). The reform has the final expected date for implementation on 31 March 2022.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. M152_summary_document.doc: a summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled
ii. 152_01_BGBLA_2021_I_28.pdfsig.pdf: copy of the publication of the Social Insurance Amendment Act 2020 (S*ozialversicherungsänderungsgesetz* 2020) i has been published in the Official Journal of Austria on 28 January 2021

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The replacement of the 'early retirement pension' by the so-called 'early starter bonus', and the aliquoting of the pension increase, were adopted in November 2020 in the context of the Social Insurance Amendment Act 2020 and will enter into force as from January 2022.

The Social Insurance Amendment Act 2020 (S*ozialversicherungsänderungsgesetz 2020)*, hereinafter has been published in the in the national Official Journal of Austria (NR: GP XXVII IA 958/A AB 455 S.64. BR: 10439) on 28 January 2021.

The Social Insurance Amendment Act 2020 (Article 745) abolished Article 236(4b) (early retirement pension without deductions) of the Social Insurance Act (*Allgemeine Sozialversicherungsgesetz – ASVG*) which exempted deductions for early retirement, and which was in force until 31 December 2021. The abolishment entered into of force on 1 January 2022 (Article 745(2)). Similarly, the provisions for self-employed (Article 383(2)) and farmers (Article 377(3) sub-paragraph 2) were adjusted. According to Article 745(2) ASVG, the law indicates the entry into force on 1 January 2022.

Article 262a(1-3) provides the legal basis for the implementation of the early starter bonus *(Frühstarterbonus)* with detailed information on the amount of the early starter bonus in particular that people shall receive one euro on top of their pension for every month they worked between the age of 15 and 20. For the five years until the age of 20, the bonus amounts to a maximum of 60 euros per month (840 euros per year) on top of the determined pension amount. The prerequisite for receiving the early starter bonus shall be the completion of at least 25 years of insurance. This provision indicates the entry into force on 1 January 2023, according to Article 262a(3) ASVG. Similarly, Article 144a introduces the early starter bonus for self-employed and Article 135a for farmers.

The introduction of Article 108h(1a) provides the legal basis for the postponement of the first pension increase. The monthly aliquoting is in line with the one decribed in the Council Implementing Decision annex. According to the new rule, only pensioners who retired in January of the previous year may benefit from the full increase immediately. Thereafter, the adjustment shall be reduced in a way that those who retired in February receive 90% of the increase, those who retire in March receive 80% and so on. Those who retire in November or December will have to wait until the year after next to receive their first pension increase. This provision indicates the

entry into force on 1 January 2022, according to Article 108h(1a) ASVG. Similarly, Article 50(1a) introduces this sliding scale for the self-employed and Article 46(1a) for farmers.

Furthermore, in line with the description of the measure, the replacement of the early retirement pension (abschlagsfreie vorzeitige Alterspension) by the early starter bonus (FrühstarterInnenbonus), in the context of the Social Insurance Amendment Act 2020 increases the effective retirement age, while also reducing the pension gap and contributing towards reducing old-age poverty.

This is achieved, as the Social Insurance Amendment Act 2020 reduces the incentives for early retirement by reintroducing deductions for pensions in case of early retirement (abolishment of Article 236(4b) for employees, abolishment of Article 120(7) for self-employed and abolishment of Article 111(8) for farmers), thus reducing financial incentives for early retirement and should therefore reduce the pension gap and therefore old-age poverty.

Furthermore, in line with the description of the measure, the replacement of the early retirement pension (abschlagsfreie vorzeitige Alterspension) by the early starter bonus (FrühstarterInnenbonus) will also provide incentives to return to work after a period of childcare.

The Social Insurance Amendment Act 2020 introduces the early starter bonus on the condition of 25 years of active contribution by employment as explained above. As 25 years of active contribution by employment are required to receive an early starter bonus, employees are financially incentivised to take up work after a period of childcare in order to receive this bonus for their pension.

Furthermore, in line with the description of the measure the reform is to contribute to addressing the country-specific recommendation related to addressing the sustainability of the pension system (Country Specific Recommendation 1 in 2019).

This is achieved as the reform supports the sustainability of the pension systems by raising the effective retirement age through the introduction of deductions for early retirement (Social Insurance Amendment Act 2020, Article 745), which has an impact on the financial incentives to postpone the retirement decision. The sustainability is further supported by the postponement of the first pension increase (Social Insurance Amendment Act 2020, Article 108h(1a).

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 156	**Related Measure: 4.D.4 Climate action governance framework**
Name of the Milestone: Citizens' Climate Council (Klimarat) and focal point on green budgeting	
Qualitative Indicator: Public reporting on the establishment of a Citizens' Climate Council and of a focal point on green budgeting	**Time:** Q4 2021

Context:

The measure aims to establish a sound legal framework for the implementation of the climate targets, which clearly defines the reduction path, establishes sectoral goals and responsibilities and provides control measures. The issue of lacking cross-level governance is addressed by the establishment of a Citizens' climate council (*Klimarat*). Additionally, the reform includes the introduction of a focal point for green budgeting in the Austrian Ministry of Finance responsible for

the implementation of green budgeting standards in the Austrian budget process, as well as an obligatory climate check for all new and existing laws.

Milestone 156 concerns the public reporting on the establishment of a Citizens' Climate Council and of a focal point on green budgeting.

Milestone 156 is the first step of the implementation of the reform, and it will be followed by milestone 157, related to the entry into force of a law introducing a mandatory climate check for new legislative proposals. The reform has a final expected date for implementation on 30 June 2022.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
ii. Information about the meetings of the Citizens' Climate Council (*Klimarat*) on the website of the Citizens' Climate Council (*Klimarat*) *(* https://klimarat.org/dokumentation/). Specifically, information(public reporting) on the first meeting of the Citizens' Climate Council, which took place in Vienna on 15 and 16 January 2022, available here: https://klimarat.org/dokumentation/1-wochenende/.
iii. Copy of the summary of the first inaugural meeting during the first weekend on 15 and 16 January 2022 (downloaded from the link above): 156_Summary_1 weekend.pdf.
iv. GPE_Dezember_2021.pdf: the revision of the organisational structure (G*eschäfts- und Personaleinteilung, GPE*), which established a Green Budgeting Focal Point in unit II/9 of the Federal Ministry of Finance (page 81 point1.5) and which was published on 1 December 2021.
v. GPE_18072022.pdf: the revision of the organizational structure (*GPE*) on 18 July 2022, which contains no changes regarding the focal point on green budgeting. The focal point is mentioned on page 82 point 1.5) in unit II/9.
vi. Link to the Green Budgeting page on the Federal Ministry of Finance website: https://www.bmf.gv.at/themen/klimapolitik/green_budgeting.html, which provides information on the work of the focal point on green budgeting. A screenshot is also provided: Screenshot_Website Green Budgeting_BMF.PNG.

The authorities also provided:

i. 156_01_Screenshot_Klimarat.PNG: a screenshot of the documentation tab of the Citizens' Climate Council linked under ii above.
ii. 156_02_Screenshot_Meeting calendar.PNG: a screenshot of the meeting calendar of the Citizens' Climate Council; also available at this link: https://klimarat.org/#wo.
iii. Link to Ministry of Climate Action website, which also provides information on the Citizens' Climate Council, such as eligibility criteria, organisation and timing: https://www.bmk.gv.at/themen/klima_umwelt/klimaschutz/nat_klimapolitik/klimarat.html
iv. Reporting in national, regional and local newspapers, television and radio: Citizens' Climate Council (*Klimarat*) starts work (*Klimarat nimmt Arbeit auf: Bürgerinnen und Bürger beraten Politik)* - news.ORF.at: https://orf.at/stories/3243223/ (11 January 2022, first weekend)

Citizens' Climate Council (*Klimarat*) meets for the first time in Salzburg (*Klimarat trifft sich erstmals in Salzburg)* - salzburg.ORF.at: https://salzburg.orf.at/stories/3144696/ (25 February 2022, second weekend)

Gas and oil exit discussed topics at the Citizens' Climate Council (A*usstieg aus Gas und Öl Thema im Klimarat)* - news.ORF.at: https://orf.at/stories/3256069/ (27 March 2022, third weekend)

v. Documentary film about four participants of the Citizens' Climate Council and their motivations: (*Thema: Kinder aus dem Krieg: angekommen – was nun?)* | Klimarat – Bürger*innen liefern Klimaschutzideen | Mensa - der Club der klugen Köpfe - ORF 2 - tv.ORF.at: https://tv.orf.at/program/orf2/thema194.html

vi. 156_03_Klimarat-Endbericht-WEB.pdf: a copy of the final report on the work of the Citizens' Climate Council. It outlines the 93 recommendations devised by the Citizens' Climate Council.

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

A Citizens' Climate Council (Klimarat) is established as evidenced by public reporting on at least its inaugural meeting.

As highlighted in final report on the work of the Citizens' Climate Council (Evidence xii, page 11), the **Citizens' Climate Council** was established by the Austrian Parliament. The inaugural meeting of the Austrian Citizens' Climate Council (*Klimarat*) was held on 15 and 16 January 2022. In total, six meetings have taken place. 156_02_Screenshot_Meeting calendar.PNG shows the timeframe for all of the six meetings. Public reporting on the inaugural meeting (15 and 16 January 2022) is available under the following link: https://klimarat.org/dokumentation/1-wochenende/. The website includes the summary report as well as videos on the inaugural meeting and the presentations given by experts. In **156_Summary_1 weekend.pdf** under xii the structure and content covered on the inaugural meeting are outlined in more detail. Additionally, several media reports on the meeting have been provided as proof of the establishment of the Citizens' Climate Council. Other meetings took place in February and March 2022, as evidence in form of reporting in national, regional and local newspapers under (x) shows.

A focal point on green budgeting to coordinate the implementation of green budgeting standards in Austria shall be established in the Ministry of Finance and publicly announced.

The document setting out the organisational structure of the Austrian Ministry of Finance (evidence (iv) (GPE_Dezember 2021.pdf)) shows the establishment of a focal point on green budgeting in unit II/9 (Budget - Agriculture, Regions, Tourism, Climate, Environment and Energy) of the Federal Ministry of Finance (page 81). This document is publicly available on the website of the Ministry of Finance. Additionally, Austrian authorities provided the screenshot (Screenshot_Website Green Budgeting_BMF.PNG) and the link (https://www.bmf.gv.at/themen/klimapolitik/green_Budgeting.html) to the website of the Ministry of Finance, where detailed information on the newly established focal point on green budgeting can be found.

The milestone in the Council implementing decision is further specified in the Operational Arrangements, which requires that for the purpose of these operational arrangements, the public

announcement of the focal point on green budgeting shall be considered as the legally binding announcement of the division of units and personnel of the Ministry of Finance (BMF) ("Geschäfts- und Personaleinteilung") pursuant to Article 7 of the Bundesministeriengesetz (BMG).

The organisational structure *(Geschäfts- und Personaleinteilung,* GPE_Dezember 2021.pdf) is the legally binding (see Article 7 of the Bundesministeriengesetz (BMG)[1]) decision on the "personnel and business division plan" of the Federal Ministry of Finance, that was published on 1 December 2021 .

Furthermore, in line with the description of the measure the reform should tackle the issue of lacking cross-level governance by the following measures, also reflected in the milestones: the establishment of a Citizens' climate council (Klimarat), set up for discussion and elaboration of proposals for climate protection measures necessary to achieve the Austrian climate goals. The introduction of a focal point for green budgeting in the Austrian Ministry of Finance responsible for the implementation of green budgeting standards in the Austrian budget process, and an obligatory climate check for all new and existing laws.

According to the final report on the work of the Citizens' Climate Council (evidence xii) the Climate Council has been established as a "participatory process for the discussion of and elaboration of concrete proposals for the climate protection measures necessary to achieve the goals on the way to climate neutrality in 2040. These will be forwarded to the climate cabinet and the federal government, respectively." (page 11 of 156_03_Klimarat-Endbericht-WEB.pdf). The Citizens' Climate Council discussed recommendations and measures in the areas of mobility, energy, food and land use, consumption and production, and housing in small groups until the teams were largely in agreement. 15 scientists and a moderation team accompanied the process (page 15 of156_03_Klimarat-Endbericht-WEB.pdf). The proposals were then taken to the plenary session until there was also broad agreement. At the end, the Citizens' Climate Council presented 93 recommendations for a climate-friendly Austria to the public and the government (pages 62-84,of 156_03_Klimarat-Endbericht-WEB.pdf). Each recommendation contains one or more measures. The Citizens' Climate Council has put forward some recommendations relating to governance (such as by requesting the establishment of an independent climate commission whose task would be to evaluate laws and other measures taken on federal and provincial level with respect to their climate impact). Thereby the recommendations of the Klimarat may contribute to improving cross-level governance.

Additionally, a Green Budgeting Focal Point has been established in the unit II/9 of the DG Budget and Public Finances of the Federal Ministry of Finance (this was proven already above, by the provision of the organisational structure, GPE_Dezember 2021.pdf) to coordinate all green budgeting activities, including the implementation of green budgeting standards in the Austrian budget process. The website of the BMF on Green Budgeting (Green Budgeting (bmf.gv.at)) gives a detailed overview about the implementation of the standards. The Green Budgeting Focal Point serves as an inter-institutional contact point and internal coordination point for green budgeting activities with the aim of taking better account of ecological aspects in the budget process. Therefore, the Focal Point developed a Green Budgeting working definition and methodology. A first analysis of the federal budget with regard to green budgeting was made as part of the Spending Review module 1 (focusing on green and digital transformation). The aim is to record and analyze the climate and environmental impacts of all budgetary, regulatory and tax policy measures and processes in the public sector, taking into account all available data. Such analyses include both financial aspects (input consideration) and assessments of the impact dimension (impact consideration) and provides a decision-making basis for the contribution to compliance with national, international and international legal climate and environmental goals.

Furthermore, in line with the description of the measure the reform contributes to addressing the country-specific recommendation related to achieving the climate targets and Austria's transformation to a climate neutral economy (Country Specific Recommendation 3 in 2020).

The establishment of a Citizens' Climate Council (*Klimarat*) and a Green Budgeting Focal Point address CSR3 of 2020 in two ways. First, the Citizens' Climate Council drew up 93 recommendations for climate protection, related to reducing greenhouse gas emissions caused in and by Austria. The results were presented to the public and handed over to the federal government in July 2022. The aim is to contribute to achieving a climate-neutral Austria by 2040. Second, the use of green budgeting, which is coordinated by the focal point on green budgeting in the Federal Ministry of Finance, is to link budgetary resources and climate and environmental protection by analysing the climate and environmental impacts of all budgetary, regulatory and tax policy measures, as highlighted on the Green Budgeting page on the Federal Ministry of Finance website (evidence vi). Therefore, the projects should contribute to achieving the climate targets and Austria's transformation to a climate neutral economy (CSR 2020.3).

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 158	**Related Measure: 4.D.5 Eco - social tax reform**
Name of the Milestone: Launch of the second stage of the work of the task force	
Qualitative Indicator: The task force on eco social tax reform is starting work on the second stage of eco - social tax reform	**Time:** Q2 2021

Context:

The measure aims to combat climate change and to contribute to the achievement of European and national climate targets. The first stage of the tax reform has been already implemented, but additional incentives for climate-friendly consumer behaviour should be introduced by the second stage of the reform. In detail, the second stage of the eco-social tax reform is expected to increase investment incentives for climate-friendly technologies and to support the expansion of the circular economy by providing preferential tax treatment for low or zero-emission technologies and products.

Milestone 158 concerns the second stage of the eco-social tax reform and includes the launch of the work on the second stage by a specific task force.

Milestone 158 is the first step of the implementation of the reform, and it will be followed by milestone 159, which is related to the entry into force of the eco-social tax reform, including a price for CO2 emissions. The reform has a final date for implementation on 31 March 2022.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the requirements of the milestone (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID Annex) have been satisfactorily fulfilled;
ii. The Ministerial council decision (7/10) from 19 February 2020, setting up the task force (*2. MRV_Task Force Ökosoziale Steuerreform_02_2020.pdf);*

iii. A complementary the ministerial council decision (73/14) from 6 October 2021, detailing the agreement reached (*73_14_mrv.pdf)*., including a copy of an unofficial translation of that decision into English (Vortrag an den Ministerrat_en-GB.docx).

The authorities also provided:

iv. A copy of an email indicating the work of the Task Force on Eco-Social Tax Reform, the first work orders and their feedback to the representative for the Federal Ministry of Finance (BMF) in the Task Force at cabinet level, Mr. Head of Cabinet-Deputy MMag. Dr. Daniel Varro, LL.M. (*AW DRINGEND - Ökologisierung BMF.msg*).

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The task force shall start its work on the second stage of the eco-social tax reform.

The Ministerial Council Decision 7/10 was adopted on 19 February 2020 specifies the set-up of a dedicated task force on the eco-social tax reform. It provides details on the governance of the designated task force:

- The Steering Committee (LAUS) is chaired by the Federal Minister for Climate Protection, Environment, Energy, Mobility, Innovation and Technology, Leonore Gewessler, and the Federal Minister of Finance, Gernot Blümel. The steering committee coordinates the work of the task force and assigns specific implementation tasks (see page 1 of the Ministerial Council Decision 7/10).
- The task force will include respectively one staff member from the Cabinet of the Federal Chancellery, the Federal Ministry of Arts, Culture, Civil Service and Sports, the Federal Ministry for Climate Protection, Environment, Energy, Mobility, Innovation and Technology and the Federal Ministry of Finance. (see page 1 of the Ministerial Council Decision 7/10).
- During the course of its work, the task force will engage in dialogue with parliamentary parties, external experts, interest groups and civil society in various formats in order to take due account of the various concerns and suggestions and to ensure that the greening measures are supported by a broad national consensus (see page 1 page 1 of the Ministerial Council Decision 7/10).)
- Finally, the Task Force will receive technical support from the Federal Ministry for Climate Protection, Environment, Energy, Mobility, Innovation and Technology and the Federal Ministry of Finance, and the ministries responsible will prepare the draft legislation (see page 2 of the Ministerial Council Decision 7/10).

The adoption of the Ministerial Council Decision 7/10 on the set-up of a dedicated task force and Ministerial Council Decision 73/14 on the agreement on the eco-social tax reform have contributed to the achievement of the requirement. The Ministerial Council Decision 73/14 highlights the first results of the taskforce, which proofs that the task force has started to work. The task force was commissioned with devising measures for additional incentives for climate-friendly consumer behaviour as well as pricing CO_2 emissions, which will support Austria in achieving its 2030 climate targets, as highlighted on pages 2 and 3 of the Ministerial Council Decision 7/10.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 162	**Related Measure: 4.D.7 National Financial Education Strategy**
Name of the Milestone: Strategy Document	
Qualitative Indicator: Publication of the strategy document including action plan	**Time:** Q3 2021

Context:

Milestone 162 is part of a reform which aims at establishing a national financial education strategy to improve financial literacy among the population by setting up (1) a strategy plan that includes specific steps and long-term goals upon which education stakeholders may base their actions, as well as (2) establishing a competence framework (4.D.7 National Financial Education Strategy).

Milestone 162 requires (a) the publication of a strategy document that sets common goals and long-term visions for financial education in Austria and that shall include a dedicated action plan and – (b) the establishment of a framework for cooperation and coordination between public and non-public financial education actors for providing a structure for the implementation of the action plan across the various stakeholder groups. Topics that merit particular attention in the plan and the framework are basic financial education in schools and for young people, increasing the capital market knowledge of the population and more awareness about the importance of future and old-age provision; women form a specific target group of the strategy.

Milestone 162 is the first step of the implementation of the reform, and it will be followed by milestone 163, related to the establishment of a competency framework with special focus on increasing basic financial education in schools and for young people, increasing the population's capital market knowledge and raising awareness about the importance of future and old-age provision, including through synergies with the Green Finance Agenda. The reform has a final expected date for implementation of 31 December 2022.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the milestone requirements (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID Annex) have been satisfactorily fulfilled.
ii. Link and copy of the National Financial Literacy Strategy, including an Action Plan, published on the website of the Austrian Federal Ministry of Finance on 29 September 2021:
    a. Link: https://www.bmf.gv.at/dam/jcr:3767686e-2cce-4608-9257-18e24cb53613/Bericht%20Nationale%20Finanzbildungsstrategie_englisch.pdf
    b. Copy: "A national financial literacy strategy for Austria_EN.pdf" .

The authorities also provided:

i. A screenshot of the homepage where the National Financial Literacy Strategy was uploaded and published (Name of the document: "Website Financial Literacy MoF Austria.pdf").

Analysis:
The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The strategic document shall be completed

In line with the description of the milestone, the Council of Ministers adopted its National Financial Education Strategy on 29 September 2021. The strategy document, including an action plan, was published on the same day and is published on the website of the Austrian Federal Ministry of Finance.

It shall set common goals and long-term visions that lead to an increase in financial education in Austria and on which stakeholders in the field of financial education may base their own programmes and measures.
Austria's National Financial Literacy Strategy includes common goals and long-term visions with the aim to increase financial education in Austria, and which may be used by stakeholders in the field of financial education for their own programmes and measures. The common goals and long-term visions are reflected on page 17 and 18 of the National Financial Literacy Strategy through three main goals for people living in Austria. Page 17 of the National Financial Literacy Strategy first outlines its long-term vision, that is, as a result of the strategy, all people in Austria should:

- understand their role in the economy and how they can contribute to its sustainable development through informed and responsible personal financial management,
- adopt a long-term attitude towards money and make plans to ensure financial security beyond working age, and
- are supported at different life stages in their financial literacy needs, and know where to find easily accessible, adapted and high-quality financial education

Additionally, four main policy priorities (see page 18 of the national financial literacy strategy for Austria) were presented:

- 'Develop sound financial decision-making early in life and prevent over-indebtedness'
- 'Promote responsible financial planning for long-term financial well-being'
- 'Raise awareness on the importance of financial literacy and ensure access to quality financial education for all' and
- 'Increase the effectiveness of financial literacy initiatives through dialogue, coordination and evaluation'.

The main policy priorities are complemented by three cross-cutting priorities (page 21 of the National Financial Literacy Strategy): (a) supporting gender equality and the adoption of a gender angle in all the National Financial Literacy Strategy's initiatives, (b) providing people living in Austria with the knowledge and skills required to profit from the digitalisation of retail financial services, and (c) helping consumers make sustainable financial choices.

The strategy's goals and visions are being complemented by a detailed roadmap (see page 24ff of the National Financial Education Strategy) that lays out action tools and best-practices to ensure that the above-mentioned visions and goals lead to an increase in financial literacy across people living in Austria. The roadmap will be complemented by annual action plans to be approved by the Executive Board, following consultation with the Steering Board of the Financial Literacy Stakeholder Council (see next requirement). The annual action plans will identify projects to be undertaken over the year - building on the action tools presented in the roadmap. Stakeholders in

the field of financial education may base their own programmes and measures on the strategy, which is specifically encouraged through the Stakeholder Council mentioned under the next requirement.

This framework cooperation and coordination includes the creation of a Financial Literacy Stakeholder Council. As part of the Stakeholders Council, stakeholders are especially encouraged to create their own financial literacy programmes that fit the goals of the national strategy (see also next paragraph).

The establishment of a framework for cooperation and coordination between public and non-public financial education actors

The framework cooperation and coordination between public and non-public financial education actors has been established (page 27ff of the National Financial Literacy Strategy). This framework includes the Financial Literacy Stakeholder Council, which is the coordination and cooperation body of the strategy and consists of the Executive Board (the decision-making body), the Steering Board, which is the working body, several sub-committees established for specific topics and the Financial Literacy Community, which consists of all stakeholders with an interest in the field of financial literacy in Austria (page 26 ff of the National Financial Literacy Strategy). The Executive Board consists of several Austrian ministries. This includes the finance ministry (the lead ministry in the creation of the National Financial Education Strategy) and the education, science and research ministry (which is responsible for schools' curricula and the introduction of financial education as a cross-curricular subject from 2023). The Executive Board also includes the Austrian Central Bank. It can also invite additional members representing the whole private sector or NGOs to the Board. The Steering Board consists of a number of ministries active in the field of financial education, agencies (such as the Environment Agency Austria, which is active in the field of green finance literacy), economic and social chambers, industry federations and representatives from universities, such as the Institute of Business Education at the Vienna University of Economics and Business. (see page 28ff of the National Financial Literacy Strategy). The Scientific Committee consist of members of the research community. As part of the Stakeholder Council, stakeholders are encouraged to liaise and create their own financial literacy programmes that fit the goals of the national strategy. Through the Council, national stakeholders can support the implementation and further development of the strategy through discussing issues around financial literacy with the aim to find common ground, information on new developments and initiatives and the development of common programmes. The Stakeholder Council comes together in different formats _ such as the Financial Literacy Community with more than 60 members active in the field of financial literacy; the Working Group on Women and Financial Literacy with stakeholders active in the field of women and financial literacy; the Executive Board and the Scientific Board. They are supported by a Secretariat for this purpose.

It shall include an action plan to operationalise the strategy.

The National Financial Literacy Strategy includes an action plan (page 49 ff) that provides further operationalisation steps of the strategy. To this end, for each of the priorities, a sub-set of operational objectives and action tools to support their implementation over the period 2021-2026 have been included. The action plan includes 41 action tools. The implementation of the strategy and the action plan has already started on several ends. A list of actions that AT institutions active in the field of financial education already offer to the public may be found on the website of the Austrian Ministry of Finance (under *Finanzbildung (er)leben).* This list offers citizens an overview of financial literacy programmes and initiatives that are available in Austria. Examples include exercise sheets for primary school students, teaching materials on the stock exchange and capital markets,

a factsheet on sustainable financing for small investors created in cooperation with students or an 8-unit training course on money management specifically designed for women.

Furthermore, in line with the description of the measure, topics that should be particularly pursued by the financial education strategy are basic financial education in schools and for young people, increasing the capital market knowledge of the population and more awareness about the importance of future and old-age provision. Women were identified as one of the specific target groups.

The National Financial Literacy Strategy has identified eight life stages during which people living in Austria should be supported through dedicated financial education resources via both traditional and digital methods (page 41ff of the National Financial Literacy Strategy). These life stages have been chosen because of their formative relevance, and because of the important financial decisions with which they are usually associated. Basic financial education in schools and for young people is covered by the part on 'attending schools', increasing capital market knowledge of the population is addressed through 'higher education and life-long learning', 'first job', 'working life', 'first major purchase' and 'planning for the future', while the importance of future and old age provision is covered mainly in 'planning for the future' and 'family life and enjoying senior years' (see page 42ff of the National Financial Literacy Strategy) thereby covering all the topics that should be particularly pursued as per the Annex to the Council Implementing Decision.

The national strategy addresses the whole Austrian population, but also recognises that there are target audiences (such as women) that, based on their existing or potential vulnerabilities, have specific financial literacy needs, require additional resources and tailored support. For example, on page 26 of the National Financial Literacy Strategy, women are defined as a priority target group, and are then assigned to all the relevant action tools, such as "raise awareness of existing and affordable options in the area of retirement planning".

Furthermore, in line with the description of the measure, the reform contributes to addressing the country-specific recommendation related to enhancing education results in Austria (Country Specific Recommendation 2 in 2020).

The adoption the National Financial Education Strategy contributes to CSR 2 of 2020 ("*Ensure equal access to education and increased digital learning.*"). The National Financial Education Strategy sets out the tools to ensure access to quality financial education for all and to increase the effectiveness of financial literacy initiatives through dialogue, coordination and evaluation and therefore contributes to enhancing education results in Austria in the field of financial education and financial literacy. It promotes equality through targeting audiences that, based on their existing or potential vulnerabilities, or on specific financial literacy needs, may require additional resources and tailored support. Examples include women, immigrants or working poor (see page 46 of the National Financial Literacy Strategy).

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 165	**Related Measure: 4.D.9 Strengthening Equity Capital**
Name of the Milestone: Decree on the conversion of state guaranteed loans into equity	
Qualitative Indicator: Publication of the decree	**Time:** Q3 2021
Context:	

Milestone 165 is part of reform 4.D.9 Strengthening equity capital which aims at strengthening the equity position of Austrian companies by facilitating the mobilisation of private capital in companies in form of equity. The reform consists of two actions, namely, i) opening up the possibility of converting government-guaranteed loans, which were used to bridge liquidity bottlenecks during the COVID-19 crisis, into equity or equity-like instruments and ii) anchoring a company form for investments in company holdings in the form of the SICAV (investment company with variable capital (*société d'investissement à capital variable*)), a collective investment scheme, into Austrian law.

Milestone 165 requires the publication in the Official Journal of the Republic of Austria *(Bundesgesetzblatt)* of the decree on the conversion of state guaranteed loans into equity, including a reference to the provision indicating the entry into force.

Milestone 165 is the first step of the implementation of the reform which aims to strengthen the equity position of Austrian companies, and will be followed by milestone 166, related to an amendment of the Austrian company law to introduce the legal form of *SICAV*, a collective investment scheme, in order to facilitate equity investments in companies. The reform has a final expected date for implementation on 31 March 2022.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the Milestone 165 requirements (including all its constitutive elements, as set out in the description of the Milestone 165 and of the corresponding measure in the Council Implementing Decision Annex) have been satisfactorily fulfilled.
ii. A copy of the decree of the Federal Ministry of Finance according to Article 3b (3) of the ABBAG-act regarding the guidelines for granting recapitalisation measures justified by the conservation of long-term solvency of companies in the context of the spread of the SARS-CoV-2 agent and the economic turmoil caused (published in the Official Journal of the Republic of Austria BGBl. II Nr. 416/2021 (*Verordnung des Bundesministers für Finanzen (veröffentlicht im Bundesgesetzblatt BGBl II Nr. 416/2021) gemäß § 3b Abs. 3 des ABBAG-Gesetzes betreffend Richtlinien über die Gewährung von Rekapitalisierungsmaßnahmen, die zur Erhaltung der langfristigen Zahlungsfähigkeit von Unternehmen im Zusammenhang mit der Ausbreitung des Erregers SARS-CoV-2 und den dadurch verursachten wirtschaftlichen Auswirkungen geboten sind*)): This decree serves to open up the possibility to convert state guaranteed loans into equity.
iii. A copy of the Annex to the decree specifying the guidelines for the conversion of state guaranteed loans into equity.
iv. A copy of the study "Corporate equity finance in Austria – impediments and possible improvements", in MONETARY POLICY & THE ECONOMY Q3 2021: a study of the Austrian National Bank (OeNB) on the situation of equity in Austria:

Analysis:
The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The decree opening up the possibility to convert state guaranteed loans into equity shall be in force.

The decree of the Federal Ministry of Finance according to Article 3b (3) of the ABBAG-act regarding the guidelines for granting recapitalisation measures justified by the conservation of long-term solvency of companies in the context of the spread of the SARS-CoV-2 agent and the economic turmoil caused (hereinafter referred to as the decree on recapitalisation measures) and its Annex, was published in the Official Journal of the Republic of Austria (*Bundesgesetzblatt*) on 30 September 2021 and entered into force on the following day (specified under Article 2), namely on 1 October 2021.

In line with the description of the milestone 165 in the Council Implementing Decision Annex, Article 1 of the decree on recapitalisation measures establishes that any conversions of state guaranteed loans, which were used to bridge liquidity bottlenecks during the COVID-19 crisis, into equity or equity-like instruments have to follow the guidelines in the annex of the decree. This annex, that is, the funding guidelines, is part of the decree and sets up all further provisions for the scheme, except for the entry into force which is set out in Article 2 of the decree.

The guidelines themselves, that is, the Annex to the decree on recapitalisation measures, specify the eligibility, the form, size, length and aim of recapitalisation measures, use and definition of ecological certifications, the governance and details on the application process, and further, set out four different instruments for debt-equity swaps (that is, the conversion of debt into equity or equity-like instruments; see Article 4.1 of the guidelines). Administered by the COVID-19 Federal Financing Agency Ltd. (COVID-19 *Finanzierungsagentur des Bundes GmbH*, short: COFAG; a special federal agency in Austria established by the Ministry of Finance in March 2020, to manage aid measures through direct grants and guarantees to companies affected by the COVID-19 pandemic) these four recapitalisation instruments are: i) profit participation rights, ii) silent participations, iii) subordinated loans or iv) deferral of capital repayments.

Furthermore, in line with the description of the measure the first aim is to evaluate the equity position of Austrian companies. In particular, it shall be clarified in which sectors the equity position is particularly low and also the role of company size shall be identified.

As the subject matter of the evaluation as described in the requirement is linked to the decree as described above, it is considered to be linked to this milestone. A study of the Austrian National Bank (OeNB) conducted in Q3 2021 (OENB study MONETARY POLICY & THE ECONOMY Q3 2021) that evaluates the equity position of Austrian companies before and during the COVID-19 pandemic and identifies the equity position of Austrian companies by economic sectors, and company size, was cited by the Ministry of Finance.

Using the BACH database, the Austrian National Bank (OeNB) study finds that of all size classes, the best equity capital ratios are in medium-sized companies (with an annual sales volume of between EUR 10 million and EUR 50 million) and large companies (with an annual sales volume of more than EUR 50 million), while the large majority of insolvencies in small companies are caused by liquidity issues (not debt overhang). Consequently, small companies would benefit on average more from additional equity than medium or large companies. Regarding sectors, the study finds that especially in accommodation and food service activities the equity position is very weak and far below peer countries. Furthermore, also construction has a rather low equity position.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 167	**Related Measure: 4.D.10 Labour market: one-stop shop**

Name of the Milestone: Conceptual development	
Qualitative Indicator: The one-stop shop concept has been developed and transmitted to the European Commission	**Time:** Q3 2021

Context:

The measure aims to provide targeted support for bringing long-term unemployed facing multiple barriers back to the labour market. The coordinated support is expected to help to address those multiple barriers and facilitate access to qualification and training. The measure consists in the establishment of one-stop shops for the long time unemployed facing multiple barriers to placement and inclusion in the labour market. The design and set-up of the one-stop shops shall be done in close cooperation with social partners and the Länder.

Milestone 167 concerns the conceptual development of the one-stop shop. The internal concept should be developed with the involvement of the Laender and Social partners and shall operationalise the introduction of the one-stop shop.

Milestone 167 is the first step of the implementation of the reform, and it will be followed by milestone 168, related to the start of operation of the one-stop shop. The reform has a final expected date for implementation on 31 March 2022.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. A summary document duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
ii. 167_05_220222_Protokoll LSRK Auszug One-Stop-Shop.docx: is the protocol from the conference of the Federal Ministry (BMSGPK), at which the one-stop shop was presented to the Members of the Regional Governments.
iii. 167_07_Detailed Concept.pdf: is a copy of the detailed concept of the one-stop shop after feedback from stakeholders and countries *(Länder)*.

The authorities also provided:

i. 167_01_ Projektskizze.pdf: is a document including the internal concept of the one-stop shop
ii. 167_02 Feedback AK.msg: is a document demonstrating feedback received from the Chamber of Labour on the first draft of the concept of the one-stop shop
iii. 167_03_ Feedback ÖGB.msg: is an email providing the feedback received from the Austrian Trade Union Federation on the first draft of the concept of the one-stop shop
iv. 167_04_ Antworten WKÖ, LAKT.msg: is an email providing the feedback received from the Austrian Chamber of Commerce Federation on the first draft of the concept of the one-stop shop
v. 167_06_Agreement_BMA-BMSGPK.pdf: is a document providing the agreement between the Federal Ministry of Labour and Economic Affairs and the Federal Ministry of Social Affairs, Health, Care and Consumer Protection to implement the One-Stop-Shop
vi. 167_08_Contract_2022.pdf: the signed contract for operationalising the introduction of the one-stop shop
vii. 167_09_Audit_Report_4.D.10_One-Stop-Shop_Nr.167_2022.pdf: External Report on reaching milestone 167

Analysis:

The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The internal concept, to be developed with the involvement of the Laender and Social partners, for the establishment of the one-stop shop shall be available. It shall operationalise the introduction of the one-stop shop.

In line with the requirement of the Council Implementing Decision Annex, the Austrian authorities provided the internal concept for the establishment of the one-stop shop, which was concluded between the Federal Ministry of Labour and Economic Affairs and the Federal Ministry of Social Affairs, Health, Care and Consumer Protection. (*167_01_ Projektskizze.pdf, 167_06_Agreement_BMA-BMSGPK.pdf*).

The internal concept was developed with the involvement of the Laender and Social partners, as shown by the protocol from the conference with the Members of the Regional Government and by the e-mail correspondence on the concept of the one-stop shop which included feedback, statements and/or consent from the Chamber of Labour (167_02_Feedack AK.msg), and the Austrian Trade Union Federation (167_03_ Feedback ÖGB.msg) and the Austrian Economic Chamber (167_04_ Antworten WKÖ, LAKT.msg), stating consent. Additionally, the protocol from the conference with the Members of the Regional Government (167_05_220222_Protokoll LSRK Auszug One-Stop-Shop.docx) proofs the involvement of the regional governments in the process.

Furthermore, under the contract between the Federal Ministry (BMSGPK) and the contractor (pro mente sbg), the contractor is obliged to operationalise a „Social Helpdesk - One Stop Shop" in Salzburg. The contract includes all the relevant points of the concept that was discussed with the Laender and Social partners. The operationalisation is also confirmed by the external audit report on the implementation of milestone 167 (*167_09_Audit_Report_4.D.10_One-Stop-Shop_Nr.167_2022.pdf)*

Furthermore, in line with the description of the measure, the measure consists in the establishment of one-stop shops for the long time unemployed facing multiple barriers to placement and inclusion in the labour market. The design and set-up of the one-stop shops shall be done in close cooperation with social partners and the Länder. This one-stop shop should coordinate and facilitate the access to the appropriate services of different support institutions.

The one-stop shop has the goal to establish a "Case Management" (*167_07_Detailed Concept.pdf, page 1)* for persons with multiple barriers in order to address health and social issues as well as promoting their participation in the labour market, to ensure a targeted support for long-term unemployed. The detailed concept (*167_07_Detailed Concept.pdf)* on page 1, as well as in the final contract on page 2 *(*167_08_C*ontract_2022.pdf)* define the target group (unemployed with severe social and health problems) as well as the aim of the one-stop shop.

The internal concept of the One Stop Shop was developed with the involvement of the Laender and Social partners, as shown by the protocol from the conference with the Members of the Regional Government and by the e-mail correspondence on the concept of the one-stop shop which included feedback, statements and/or consent from the Chamber of Labour (167_02_Feedack AK.msg), and the Austrian Trade Union Federation (167_03_ Feedback ÖGB.msg) and the Austrian Economic Chamber (167_04_ Antworten WKÖ, LAKT.msg), stating consent. Additionally, the protocol from

the conference with the Members of the Regional Government (167_05_220222_Protokoll LSRK Auszug One-Stop-Shop.docx) proofs the involvement of the regional governments in the process.

To ensure that the one-stop shop can coordinate and facilitate the access to the appropriate services a participant interface management is established. As mentioned in the internal concept ((167_07_Detailed Concept.pdf, page 2), persons should be identified within the framework of the existing projects and assigned to the new project and subsequently receive a comprehensive anamnesis of the problem and joint development of solution.

There is also a referral and accompaniment to existing offers, offices and authorities (such as debt advice, psychotherapy, shelter for battered women, …) and advice/accompaniment within the framework (such as cooperation with the public employment service, fit2work, …)

Furthermore, in line with the description of the measure, the reform contributes to addressing the country-specific recommendation related to boosting labour market outcomes for the low-skilled in close cooperation with social partners (Country Specific Recommendation 2 in 2019).

By supporting long-term unemployed, who are mostly low-skilled people and often have multiple problem in everyday life as well as with (re-)entering working life (see definition of target group and aim of the one-stop shop on page 1 (*167_07_Detailed Concept.pdf)*, the concept of the one-stop shop helps to boost labour market outcomes those persons through specific and personalized support and advisory services (social security, job search,…) for unemployed with severe social and health problems.

The internal concept of the One Stop Shop was developed with the involvement of the Laender and Social partners, as shown by the protocol from the conference with the Members of the Regional Government and by the e-mail correspondence on the concept of the one-stop shop which included feedback, statements and/or consent from the Chamber of Labour (167_02_Feedack AK.msg), and the Austrian Trade Union Federation (167_03_ Feedback ÖGB.msg) and the Austrian Economic Chamber (167_04_ Antworten WKÖ, LAKT.msg), stating consent. Additionally, the protocol from the conference with the Members of the Regional Government (167_05_220222_Protokoll LSRK Auszug One-Stop-Shop.docx] proofs the involvement of the regional governments in the process.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 169	**Related Measure: 4.D.11 Liberalisation of business regulations**
Name of the Milestone: Entry into force of the occasional transport act	
Qualitative Indicator: Provision in the law indicating the entry into force of the occasional transport act.	**Time:** Q1 2021

Context:

Milestone 169 is part of a reform which aims at liberalising the framework conditions for trade and the promotion of the provision of business-oriented services that also contribute to the green and digital transitions (*4.D.11 Liberalisation of business regulations*). The reform consists of three measures, namely (1) the removal of barriers to business transfers (Grace Period Act) with the aim to facilitate the transfer of businesses to new owners, (2) the amendment to the Occasional Traffic Act aligning the conditions for taxis and other ride rental businesses and (3) facilitating the

authorisation process for recharging points for electric motor vehicles and for photovoltaic systems as part of commercial installations.

Milestone 169 requires the Occasional Transport Act, which shall abolish a binding tariff for occasional transport (taximeter obligation) to enter into force. The completion requires the entry into force of the amending act of the Occasional Transport Act.

Milestone 169 is the first step of the implementation of the reform and it is introduced at the same time as Milestone 170, related to the exemption of recharging points for electric motor vehicles and photovoltaic systems in commercial installations from authorisation requirements and the two milestones will be followed by Milestone 171, related to the entry into force of the Grace Period Act facilitating the transfer of business to owners. The reform has a final expected date for implementation of 31 March 2022.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the milestone requirements (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID Annex) have been satisfactorily fulfilled.
ii. 169_01_ Occasional Transport Act Amendment.pdf : a copy of the amendment of the Occasional Transport Act *(Gelegenheitsverkehrsgesetz*), as it was published in the Official Journal (BGBl. I Nr. 13/2021) on 7 January 2021.
iii.

The authorities also provided:

i. Link to the consolidated version of the Occasional Transport Act (G*elegenheitsverkehrs-Gesetz)* 1996 after the amendment: (https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10007795#:~:text=des%20Kraftfahrliniengesetzes%2C%20BGBl.-,I%20Nr.,Kraftfahrlinienverkehr%20eingesetzten%20Anzahl%20der%20Fahrzeuge. https://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10007795/GelverkG%2c%20Fassung%20vom%2023.11.2022.pdf)
ii. bgbla-2019-i-83-63c52f76ce307.pdf: a copy of the amendment to the Occasional Transport Act as it was published in the Official Journal (BGBl. I Nr. 83/2019) in 2019.
iii. The Official Journal for verification purposes (BGBl. I Nr. 13/2021, https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2021_I_13/BGBLA_2021_I_13.pdfsig)
iv. transport committee report.pdf : A copy of the Transport Committee Report (*Bericht des Verkehrsausschusses*) from 12 January 2020, further specifying the legal basis for the amendment.

Analysis:
The Commission considers that there is a clerical error in the text of the Council Implementing Decision as regards the milestone description and has undertaken the assessment on a revised basis. In the milestone description, it is stated that the Occasional Transport Act, which shall abolish a binding tariff for occasional transport (taximeter obligation) shall enter into force. Consequently, the description of the milestone encompasses all occasional transport to be exempted from a binding tariff.

However, in the Annex to Austria's Recovery and Resilience Plan under component 4.D.11 on page 549 ff, no intent can be found as regards the abolishment of a binding tariff for all occasional transport in principle. The milestone defined on page 552 of the plan reads “Entry into force of a legal basis abolishing a mandatory tariff for occasional transport services (taximeter obligation) ordered by means of a communication service (apps)", thus clearly defining the space for the abolishment of the binding tariff as being limited to occasional transport ordered by means of communication service. This is further specified on page 549 and 550, where the plan states that a previous amendment of the law did not make it possible to create the framework conditions for flexible remuneration in the event that further exemptions from the obligation to pay were to be imposed. It goes on by stating that “the lack of room for manoeuvre for a tariff regulation in the case of further exemptions hindered the access to innovative, digital offers under conditions that would continue to ensure fair competition and allow further benefits such as avoiding journeys by bundling orders". It is therefore clear that the reform of the Austrian Recovery and Resilience Plan is limited to occasional transport ordered by means of communication services, such as apps, and does not address occasional transport in general.

Against this background, the justification and substantiating evidence provided by the Austrian authorities cover all constitutive elements of the milestone.

The Occasional Transport Act, which shall abolish a binding tariff for occasional transport (taximeter obligation) shall enter into force.

In line with the description of the milestone in the Council Implementing Decision Annex, Austria provided a copy of the amendment of the Occasional Transport Act. The amendment to the Occasional Transport Act was published in the Official Journal of the Republic of Austria (BGBl. I Nr. 13/2021) on 7 January 2021. The act entered into force on 1 March 2021, as stated in the amendment of the Occasional Transport Act (*BGBl. I Nr. 13/2021*) on page 1, under point 4. In particular, Article 14 (1b) of the Occasional Transport Act provides the abolishment of the binding tariff (taximeter obligation) for all occasional transport ordered by means of a communication service (for example, via app), while Article 14 (c1) regulates that it will be possible to pick up additional passengers from other places and/or to transport them to different destinations if a reduced fare is agreed in advance ("pooling"). Instead of the binding tariff, the state governors (*Landeshauptleute*) are given the option to set a minimum and maximum charge for the fees to be agreed on (see Article 14 (b) of the Occasional Transport Act).

Furthermore, in line with the description of the measure, the amendment to the Occasional Transport Act aligns the conditions for taxis and other ride rental businesses, thus enabling the operation of innovative ride-hailing services.

The amendment to the Occasional Transport Act aligns the conditions for taxis and other ride rental businesses by abolishing a binding tariff for occasional transport (taximeter obligation) ordered by means of communication services (such as apps) (see Article 14 1b of the amendment of the Occasional Transport Act). This is the case because following the amendment, neither taxis nor other ride rental businesses ordered by means of communication are subject to the taximeter obligation, which had previously been the case for taxis. As a result, the alignment of condition creates a level-playing field between taxis and other ride rental businesses ordered by means of communication services (such as apps).

The amendment to the Occasional Transport Act enables the operation of innovative ride-hailing services (Article 14 (1b) through reducing an entry barrier (that is, the taximeter obligation) for said ride-hailing services. Further, Article 14 (1c) regulates that it will be possible to pick up additional

passengers from other places and/or to transport them to different destinations if a reduced fare is agreed in advance ("pooling"), thereby making the operation of these ride-hailing services more efficient.

Furthermore, in line with the description of the measure, the reforms contribute to addressing the country-specific Recommendations related to reducing regulatory barriers in the service sector (Country Specific Recommendation 3 in 2019) and reducing administrative and regulatory burden (Country Specific Recommendation 3 in 2020)

The taximeter obligation presented a regulatory barrier, because even though the transport was ordered online or via an app, the car needed to be equipped with a taximeter. With the new law, the entry barrier of having such a device was abolished. The taximeter obligation has now been abolished for occasional transport ordered by means of communication service via the amendment to the act, thereby contributing to Country Specific Recommendation 3 in 2019 (reduction of regulatory barriers in the service sector) and Country Specific Recommendation 3 in 2020 (reduction of administrative and regulatory burden by creating a more open and competitive market.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: 170	**Related Measure: 4.D.11 Liberalisation of business regulations**
Name of the Milestone: Exemption of recharging points for electric motor vehicles and photovoltaic systems in commercial installations from authorisation requirements	
Qualitative Indicator: Publication of the decree exempting recharging points for electric motor vehicles and photovoltaic systems in commercial installations from authorisation	**Time:** Q1 2021

Context:

Milestone 170 is part of a reform which aims at liberalising the framework conditions for trade and the promotion of the provision of business-oriented services that also contribute to the green and digital transitions (*4.D.11 Liberalisation of business regulations*). The reform consists of three measures, namely (1) the amendment to the Occasional Traffic Act aligning the conditions for taxis and other ride rental businesses, (2) facilitating the authorisation process for recharging points for electric motor vehicles and for photovoltaic systems as part of commercial installations and (3) the removal of barriers to business transfers (Grace Period Act) with the aim to facilitate the transfer of businesses to new owners.

Milestone 170 requires the publication and entry into force of the decree making recharging points for electric motor vehicles and photovoltaic systems in commercial installations in principle exempt from authorisation.

Milestone 170 is the second step of the implementation of the reform. It is introduced at the same time as Milestone 169, related to the amendment of Occasional Transport Act, which shall abolish a binding tariff for occasional transport (taximeter obligation), and the two milestones will be followed by Milestone 171, related to the entry into force of the Grace Period Act facilitating the transfer of business to owners. The reform has a final expected date for implementation of 31 March 2022.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. Summary document duly justifying how the milestone requirements (including all its constitutive elements, as set out in the description of the milestone and of the corresponding measure in the CID Annex) have been satisfactorily fulfilled.

ii. A copy of the letter containing the Decree on photovoltaic systems as a component of commercial plants (*Erlass zu Photovoltaikanlagen als Bestandteil gewerblicher Betriebsanlagen*), issued by the Federal Ministry Digital and Economic Affairs (BMDW) on 1 March 2021

Analysis:
The justification and substantiating evidence provided by the Austrian authorities covers all constitutive elements of the milestone.

The decree making recharging points for electric motor vehicles and photovoltaic systems in commercial installations in principle exempt from authorisation shall enter into force.

In line with the description of the milestone in the Council Implementing Decision Annex, on 1 March 2021 the (former) Federal Ministry for Digital and Economic Affairs issued a decree on photovoltaic systems as a component of commercial plants (*Erlass zu Photovoltaikanlagen als Bestandteil gewerblicher Betriebsanlagen, hereinafter referred to as decree o*), which specifies that recharging points for electric motor vehicles and photovoltaic systems in commercial installations are in principle exempt from authorisation (page 1, paragraph 2). Exceptions are made for unusual or potentially dangerous locations (see page 2, bullet (1), (2) and (3)). Following common practice in Austria which is, however, not written down in law, the *decree o* entered into force (that is, it becomes binding to the regional authorities it is addressed to) on the day of issuance of the decree, that is on 1 March 2021 through the seal that is signed by the Austrian Federal Ministry for Digital and Economic Affairs on the bottom of page 4 of the decree (for more information on the overall legal basis of decrees (*Erlass*) in Austria, see Austrian Constitutional Law (*B-VG*), Article 20). A letter containing the decree was sent to trade authorities and was published on the homepage of the (former) Federal Ministry for Digital and Economic Affairs on 24 March 2021.

Furthermore, in line with the description of the measure, the last reform measure in this package facilitates the authorisation process for recharging points for electric motor vehicles and for photovoltaic systems as part of commercial installations.

The decree makes recharging points for electric motor vehicles and photovoltaic systems in commercial installations in principle exempt from authorisation and facilitates the authorisation process for recharging points for electric motor vehicles and photovoltaic systems in commercial installations by speeding up the procedure of installation. Having to apply for authorisation constitutes a barrier to swift installation and through the explicit wording of the decree that there is no reason in principle to assume that an authorisation is necessary (page 1 of the decree, paragraph 2); the exemptions from these exemptions are also clearly defined on page 2, under bullet (1), (2) and (3).

Furthermore, in line with the description of the measure, the reforms contribute to addressing the country-specific Recommendations related to reducing regulatory barriers in the service sector (Country Specific Recommendation 3 in 2019) and reducing administrative and regulatory burden (Country Specific Recommendation 3 in 2020).

Milestone 170 contributes to the achievement of this requirement in the description of the measure in the Council Implementing Decision Annex by reducing the administrative and regulatory burden

in Austria (Country Specific Recommendation 3 in 2020) and reducing regulatory barriers in the service sector (Country Specific Recommendation 3 in 2019). For enterprises that want to install charging stations for electric vehicles and photovoltaic systems, having to apply for authorisation constitutes an administrative burden. In the decree, it is made clear to all trade authorities that on page one, paragraph 2 of the decree charging stations for electric vehicles and photovoltaic systems are generally no longer subject to approval. A potential administrative burden for enterprises, as well as a regulatory barrier, including in the services sector, is hence avoided.
Commission Preliminary Assessment: Satisfactorily fulfilled