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COMMISSION IMPLEMENTING DECISION

of 12.1.2023

on the authorisation of the disbursement of the second instalment of the non-repayable support and the second instalment of the loan support for Greece

(Only the Greek text is authentic)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility¹, and in particular Article 24(5) thereof,

Whereas:

- (1) According to Article 4(2) of Regulation (EU) 2021/241, the specific objective of the Recovery and Resilience Facility is to provide Member States with financial support with a view to achieving the milestones and targets of reforms and investments as set out in their recovery and resilience plans.

Council Implementing Decision of 13 July 2021 on the approval of the assessment of the recovery and resilience plan for Greece² (the ‘Council Implementing Decision’) provides that the Union is to release instalments in accordance with the Financing Agreement and the Loan Agreement conditional on a decision by the Commission, taken in accordance with Article 24(5) of Regulation (EU) 2021/241, that Greece has satisfactorily fulfilled the relevant milestones and targets identified in relation to the implementation of the recovery and resilience plan.

- (2) On 30 September 2022, Greece submitted a request for payment, accompanied by a management declaration and a summary of audits. The request concerned the second instalment of the non-repayable support and the second instalment of the loan support. Pursuant to Article 24(3) of Regulation (EU) 2021/241, the Commission assessed on a preliminary basis whether the relevant milestones and targets set out in the Council Implementing Decision had been satisfactorily fulfilled. For the purpose of this assessment, the operational arrangements concluded between the Commission and Greece³ in accordance with Article 20(6) of Regulation (EU) 2021/241, were taken into account.
- (3) The Commission made a positive preliminary assessment of the satisfactory fulfilment of all 25 relevant milestones and targets related to the non-repayable support and all 3 relevant milestones and targets related to the loan support and, in accordance with Article 24(4) of Regulation (EU) 2021/241, provided its findings to the Economic and

¹ OJ L 57, 18.2.2021, p. 17.

² ST 10152 2021 INIT and ST 10152 2021 ADD 1, not yet published

³ Recovery and Resilience Facility Operational arrangements between the European Commission and Greece, entered into force on 21 December 2021.

Financial Committee asking for its opinion on the satisfactory fulfilment of the relevant milestones and targets. In accordance with Article 25(4) of that Regulation, the Commission provided the competent committee of the European Parliament with an overview of its preliminary findings concerning the satisfactory fulfilment of the relevant milestones and targets. The Economic and Financial Committee agreed with the Commission positive preliminary assessment and was of the opinion that Greece has satisfactorily fulfilled all the milestones and targets associated with the payment request. The Commission has taken the opinion of the Economic and Financial Committee into account for its assessment.

- (4) Section 2(1)(1.2) of the Annex to the Council Implementing Decision provides the relevant milestones and targets that are to be satisfactorily fulfilled for the second instalment of the non-repayable support for an amount of EUR 1 974 438 067.
- (5) Section 2(2)(2.2) of the Annex to the Council Implementing Decision provides the relevant milestones and targets that are to be satisfactorily fulfilled for the second instalment of the loan support for an amount of EUR 2 121 256 487.
- (6) Milestone 4 provides for a set of actions that aim to facilitate the financing of new projects concerning Renewable Energy Sources (RES): (i) the restructuring of the existing remuneration structure for RES Producers, also guaranteeing the financial viability of both the existing and the new remuneration structure (i.e. RES Account), (ii) the introduction of a Guarantees of Origin trading system to allow consumers to voluntarily support RES electricity, (iii) the introduction of an extraordinary “Covid-19 Duty” for RES producers and Suppliers, and (iv) the introduction of a permanent “carbon tax” on diesel fuel. For (i), Greece provided a copy of the Law (Law 4920/2022 (Official Journal A 74/15.04.2022)) establishing the new RES Account, in addition to the Ministerial Decision of the Minister of Environment and Energy setting out the details of the new RES Account, including the regulatory fees that will contribute to the financial viability of the account. Law 4920/2022 entered into force on 15 April 2022. Whilst the milestone also required the adoption of regulatory decisions (codes), which were not adopted, thereby constituting a minimal formal deviation from the requirement of the Council Implementing Decision, the primary and secondary legislation which has entered into force already guarantees the establishment of the new RES Account. As such, the content and objectives of the evidence provided are in line with the requirements of the milestone and the main goal of the reform. For (ii), Greece provided a copy of the Law (Law 4951/2022 (Official Journal A 129/4.07.2022)) introducing the Guarantees of Origin trading system, complemented by the Ministerial Decision of the Minister of Environment and Energy setting out the details related to the Guarantees of Origin. Law 4951/2022 entered into force on 4 July 2022 in line with the requirements of the milestone. Finally, for points (iii) and (iv), Greece provided a copy of the Law (Law 4759/2020 (Official Journal A 245/9.12.2020)) introducing the “extraordinary Covid-19 Duty” for RES producers and suppliers and a “green levy” on diesel. Law 4759/2020 entered into force on 9 December 2022 in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (7) Milestone 5 provides for the streamlining of the licensing framework for Renewable Energy Sources (RES), including the simplification and digitalisation of procedures, the introduction of short and binding administrative response times and accountability procedures for unnecessary delays, and the reduction of the necessary documentation and procedures. It also provides for the set-up of a new dedicated framework for offshore RES plants, the establishment of a market monitoring and surveillance system

for the National Regulatory Authority for Energy (RAE) and the participation of demand-side response (DSR) in the balancing market. Greece provided the copies of a set of primary legislation (Law 4685/2020 (Official Journal A 92/7.05.2020) and Law 4951/2022 (Official Journal A 129/4.7.2022)) constituting the different phases of the RES licensing simplification reform. The evidence provided demonstrates that the simplification of the licensing framework for RES was put in place, in line with the requirement of the milestone. Law 4658/2020 entered into force on 7 May 2020, while Law 4951/2022 entered into force on 4 July 2022. Greece also provided the relevant secondary legislation (Ministerial Decision of the Minister of Environment and Energy) and RAE decision that supported the primary legislation in line with the requirements of the milestone. In addition, Greece provided a copy of the Law (Law 4964/2022 (Official Journal A 150/30.07.2022)) constituting the legal framework for offshore wind projects, while the abovementioned Law 4951/2022 cover the legal framework for floating photovoltaics projects. The evidence provided demonstrates that a new dedicated legal framework for offshore RES plants was set up. Law 4964/2022 entered into force on 30 July 2022. Greece also provided a summary document signed by RAE confirming that the market monitoring system to track the energy market is fully operational, in addition to a technical memo describing the capabilities and the specific market functions monitored by the tool, in line with the requirement of the milestone. Finally, Greece provided a summary document of IPTO (Greek Independent Power Transmission Operator) certifying the full participation in July 2022 of demand in the balancing market. In addition to that, Greece provided the whole regulatory framework, including RAE and IPTO decisions, setting up the technical specifications of DSR participation. The content and objectives of the evidence provided are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (8) Milestone 9 provides for the approval and entry into force of the Framework Program Contract Law related to the land rehabilitation in the areas of former lignite mines in Western Macedonia and Megalopolis determining the geographical areas to be transferred from the Public Power Corporation (PPC) to the Greek State, the content of the projects' studies, the division of responsibilities between all involved parties, the governance arrangements, the implementation schedule and the budget of the project. Greece provided a copy of the Law (Law 4956/2022 (Official Journal A 140/19.07.2022), entered into force on 19 July 2022), which constitutes the ratification and the entry into force of the Framework Programme Contract between the Greek State and the public limited companies METAVASI S.A. and PPC S.A. The Framework Programme Contract ratified by the Law determines among other things the geographical areas to be transferred, the division of responsibilities and the governance arrangements, the implementation schedule and the budget of the project. Whilst the milestone also required the Framework Program Contract Law to determine the content of the project studies, which is not included in the Law, thereby constituting a minimal formal deviation from the requirement of the Council Implementing Decision, the content of the project studies has been determined through different legislation, namely a Ministerial Decision of the Minister of Environment and Energy issued in September 2021. As such, the content and objectives of the evidence provided are in line with the requirements of the milestone and the main goal of the investment. Finally, Greece has provided a copy of the Law (Law 4872/2021 (Official Journal A 247/10.12.2021), entered into force on 10 December 2021) that sets out METAVASI S.A. as the special purpose vehicle (SPV) created to be the new

rightful owner and land developer of the transferred geographical areas. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (9) Milestone 44 provides for the establishment of a revised legal framework for public service obligations for bus companies in line with current EU legislation, in particular, with Regulation (EC) 1370/2007 on public passenger transport services by rail and by road, which was adopted on 3 December 2007. Greece provided a copy of the Law (Law 4974/2022, Official Journal A 185/29.09.2022), which sets out the overarching criteria for future passenger transport service procurement and also enables bus companies to securely invest in greener public transport vehicles. The Law contains provisions covering: (a) the continuous supply of public urban and regional road passenger transport (scheduled and of fixed route); (b) the design, organization and operation of the associated transport networks; (c) the provision of high quality public road transport at the lowest cost possible; (d) regulating the process of granting exclusive rights to operate public regional and urban routes; and (e) regulating the level of compensation for the provision of the aforementioned services. The evidence provided demonstrates that the Law entered into force on 29 September 2022 with an amendment to Article 17 entering into force on 14 November 2022 (Article 5 of Law 4991/2022, Official Journal A 212 /14.11.2022) in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (10) Milestone 130 provides for the launch of all competitive calls for proposals for funding for the voucher scheme for the Digital Transformation of Businesses, Industrial Data Platforms and Data Spaces and Cash Registers and POS ecosystem upgrade. Greece provided the published calls for application for the three subprojects, the joint ministerial decision setting out the terms and arrangements concerning the application and award of funding and other documentation justifying the alignment of the calls for application with the requirements of the milestone. The content and objectives of the evidence provided are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (11) Milestone 138 provides for the adoption of a National Strategy for Lifelong Learning and the entry into force of primary and secondary legislation setting out the key elements of the new lifelong learning framework. To this end, Greece provided secondary legislation (Decision No 62515/04.07.2022), through which the National Strategy on Lifelong Learning (National Skills Strategy) was adopted on 4 July 2022, setting out the broader strategic framework for the reform. Further, the evidence provided demonstrated that primary and secondary law interconnecting, through the centralised database of the Labour Market Diagnosis Mechanism information system, the databases of the Ministry of Labour and Social Affairs with various other ministries, allowing for the monitoring of labour market needs entered into force (Law 4921/2022, Joint Ministerial Decisions No 69943 and No 79305, and Ministerial Decisions No. 63789, No 65106 and No 65809). The primary and secondary legislation also set up i) the National Skills Council, as a central supervisory body; ii) individual lifelong skilling accounts (ISAs) for all training participants including to define the key parameters for the filling in and verification of ISAs and other technical details for their implementation; iii) of a national Eligible Training Provider List and Scorecard, including setting out minimum input-based eligibility criteria for training providers of subsidised continuing vocational training programmes; and iv) a labour

market diagnosis mechanism under the Ministry of Labour and Social Affairs, including setting out the goals and objectives of this mechanism. The content and objectives of the evidence provided are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (12) Milestone 174 provides for the entry into force of the law to enable the de-institutionalisation of disability care, and the launching of the call for applications for participating in a first phase of the pilot project including a process for eligibility based on both a medical and functional assessment of disability by a multi-disciplinary evaluation committee. The evidence provided demonstrates that primary and secondary legislation introduce a personal assistance scheme for persons with disabilities aimed at enhancing independent living for persons with disabilities and enabling the de-institutionalisation of disability care, and to implement a first-phase pilot programme of personal assistance entered into force (Law 4837/2021, Joint Ministerial Decision No 28455, Official Journal OΔΔ 242/24.3.2022, and Joint Ministerial Decision No 28458, Official Journal B 1427/24.3.2022). The legislation also provides for the establishment of special multidisciplinary evaluation committees to assess eligibility to the personal assistance scheme taking into account any disability status as previously certified by medical doctors, as well as functionality aspects such as the possibility for self-care. Moreover, Greece published a call inviting interested persons to apply for the personal assistance scheme in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (13) Milestone 188 provides for the entry into force of legislation for the technical specifications regarding the electronic data transmission and for the interconnection of online cash registers and Point-of-Sale systems to the Independent Authority for Public Revenue. Greece provided copies of the relevant legislation (Official Journal B 3596/06.08.2021, Official Journal B 3940/25.07.2022, Official Journal A 181/23.09.2022, Official Journal B 2470/22.06.2020, Official Journal B 317/06.02.2020) as well as a note by the Legal Support of the Independent Authority for Public Revenue. Together these legal acts set out new technical specifications and requirements for the submission of data and interconnection of online cash registers and Point-of-Sale systems to the Independent Authority for Public Revenue. Some of the new technical specifications apply with a short time delay to allow for all market participants to make the necessary adjustment but will apply from 1 January 2023. Whilst the milestone also required that the key features necessary for the interconnection of online cash registers and Point-of-Sale (POS) systems to the Independent Authority for Public Revenue are included in a Joint Ministerial Decision, which only included certain key features, thereby constituting a minimal formal deviation from the requirement of the Council Implementing Decision, most of the key features are contained in the Governor's Decision (Official Journal B 3940/25.07.2022), which has a legal value equivalent to that of a Joint Ministerial Decision. As such, the content and objectives of the evidence provided are in line with the requirements of the milestone and the main goal of the reform. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (14) Milestone 190 provides for the adoption of a roadmap including a timeline for the issuance of the decisions and circulars related to the reform of the legal framework on the fight against smuggling as well as an accompanying report detailing the steps

needed for the redesign of ICISNET and ELEXISNET (information systems for customs and auditing). Greece provided a copy of the roadmap (including timeline) and the accompanying report on the redesign of the information systems. The roadmap contains a list of 9 decisions regarding excise duty on products, 18 decisions on fuel, 4 decisions on alcohol, and 6 decisions on tobacco, and provides a date of adoption for each decision. It also contains the explanations regarding the purpose of the new anti-smuggling framework, which is to reduce the financial loss created through smuggling, protect the society from illegal and dangerous objects and ensure fair competition. The report contains detailed information on the redesign of the ICISNET and ELEXISNET information systems for the areas of excise duty on products, fuel, alcohol, and tobacco. The content and objectives of the evidence provided are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (15) Milestone 197 provides for the entry into force of primary and secondary legislation introducing the super deduction for business tax purposes of expenses to strengthen investment by small and medium-sized enterprises, in equipment related to climate change adaptation, the promotion of circular economy, and digitalisation. The evidence provided by Greece demonstrates that the Law amending the income tax code (Official Journal A 113/16.06.2022), entered into force on 16 June 2022 and the Joint Ministerial Decision of the Ministers of Finance, Environment & Energy and Digital Governance (Official Journal B 083/28.9.2022) concerning the conditions, procedures and types of eligible investments, entered into force on the 28 September 2022. The changes introduced allow small and medium-sized enterprises to deduct their investment expenses on eligible green economy, energy and digital assets - increased by 100% - from their gross income for tax purposes. The content and objectives of the evidence provided are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (16) Milestone 198 provides for the entry into force of an amendment of the primary and secondary legal framework providing specific incentives for the enhancement of electronic transactions. The evidence provided by Greece demonstrates that the law amending the income tax code (Official Journal A 251 / 23.12.2021, article 50), entered into force on the day of its publication, and a Joint Ministerial Decision of the Alternate Minister of Finance and Deputy Minister of Finance (Official Journal B 1369/23.3.2022) providing the terms and conditions and the professional groups that fall under the new legislation, entered into force on the day of adoption and will apply to relevant expenditures undertaken from 1 January 2022 to 31 December 2025. The legislation introduces new temporary tax incentives for the tax year 2022-2025 for personal taxpayers who carry out electronic transactions targeted at specific categories of professional services that have been previously identified as having a high risk of tax evasion. The legislation adopted provides significant additional temporary incentives for personal taxpayers to use electronic transactions in paying for professional services that are currently heavily under-recorded for tax purposes. The content and objectives of the evidence provided are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (17) Milestone 201 provides for the entry into force of relevant amendments improving the legal framework of tax, financial and licensing incentives for mergers, conversions and acquisitions. To this end, the evidence provided demonstrates that the primary and

secondary legislation entered into force (Law 4935/2022 and Joint Ministerial Decision 127754 EΞ 2022) and introduced new tax and financial exemptions, as well as improvements of provisions of existing tax incentive laws for mergers, conversions and acquisitions under specific conditions, and new licensing incentives for such business transformations. The scale of the incentives provided are sufficient to encourage self-employed businesses and incorporated enterprises to increase their size through mergers, conversions, acquisitions and new cooperation schemes and platforms. The legislation has standardised the criteria for the various incentives and widened the scope by adopting the standard EU definition of SME. The content and objectives of the evidence provided are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (18) Milestone 202 provides for the strengthening of the institutional environment for the tax codification reform through the set-up of a dedicated tax codification unit at the Ministry of Finance and the set-up of a Service Provision Directorate within the Independent Authority on Public Revenues (IAPR). To this end, the evidence provided demonstrates that Article 164 of Law 4972/2022 provides that a department called "Department E - Codification of legislation" shall be established in the Directorate of Tax Policy of the General Secretariat of Tax Policy and Public Property of the Ministry of Finance and two Ministerial Decisions 143582/4.10.2022 and 154508/21.10.2022 provide respectively for the overall staffing of the new unit and the appointment of the first staff. Furthermore, the IAPR Governor's Decision Δ.ΟΠΓ.Α 1115404 ΕΞ2021/24-12-2021 (Official Journal B 6318/30-12-2021) established the Service Provision Directorate in IAPR and of Decision Δ.ΟΠΓ.Α. 1062982/21-7-2022 providing for the relevant transfer of personnel. The content and objectives of the evidence provided are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (19) Milestone 205 provides for the establishment of a pilot reward scheme for civil servants. The evidence provided by Greece demonstrates that Law 4940/2022 (Official Journal A 112/14.06.2022) entered into force and introduces the performance-based reward scheme, which is consistent with the unified wage grid of the public administration. Greece also submitted a letter on 3 August 2022 to the European Commission that confirms that no more than 6 000 civil servants will be entitled to this additional remuneration. The letter includes a table listing all pilot entities that are part of this rewarding system and whose staff could receive a bonus. The content and objectives of the evidence provided are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (20) Target 224 provides for the enrolment of ten magistrate's court judges at the National School of Judges. Greece provided evidence regarding (a) the call for the entrance examination of Magistrate's court judges to the National School of Judges, (b) the subsequent publication of a list of successful candidates, (c) a certificate issued by the director of the National School of Judges confirming the enrolment of the successful candidates and (d) a signed participants' list confirming attendance of courses by the enrolled Magistrate's Court Judges in February 2022. Greece also provided a document, under reference number 1807/23.03.2022, signed by the Minister of Justice and containing a list of the enrolled 10 magistrate court judges. The content and objectives of the evidence provided are in line with the requirements of the milestone.

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

- (21) Milestone 240 provides for the entry into force of legislation, which amends the internal processes and organisation of the Hellenic Capital Market Commission, and modernises the regulatory and legislative framework for capital markets to enhance capital-market's supervision capacity. The evidence provided by Greece demonstrates that Law 4916/2022, (Official Journal A 65/28.03.2022) on the Hellenic Capital Market Commission entered into force on the day of its publication on 28 March 2022 and it amends processes and organisation to improve the Commission's functioning and supervisory capacity. The Law introduces, among other improvements, efficient enforcement procedures, specifies responsibilities of the Commission's Board of Directors, and includes provisions to further complement internal rules of procedure. The content and objectives of the evidence provided are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (22) Milestone 245 provides for the entry into force of a revised legal framework for Basic and Applied Research and the issuance of the acts establishing the entities that will implement the sub-projects. With reference to the research areas, Greece provided the updated National Smart Specialization Strategy (Decision 66021 by the Minister of Development and Investments which entered into force with its publication on 30 June 2022) that redefined these areas under the following thematic sectors: (i) AgriFood / AgriTech; (ii) Environment / Sustainable Development / Circular Economy; (iii) Energy; (iv) Health / Pharma; (v) Information and Communication Technologies; (vi) Advanced Materials and Engineering devices; (vii) Smart Transportation / Logistics; (viii) Culture / Tourism / Creative Industries. As regards the new governance structure, Greece provided the acts establishing the structure (Decision 66021 by the Minister of Development and Investments which entered into force with its publication on 30 June 2022, Decision 24448 of the Minister of Development and Investments which entered into force with its publication on 10 March 2021, Law 4849/2021 which entered into force with its publication on 5 November 2021, Presidential Decree 5/2022 which entered into force ten days after its publication on 4 February 2022). Finally, Greece provided the legal acts that establish the legal entities that will implement all new Basic and Applied Research sub-projects. These mandates ensure that the research entities have the appropriate legal status to implement the new sub-projects. The content and objectives of the evidence provided are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (23) Milestone 246 provides for the launch of the calls for proposals for the creation, expansion and upgrade of the infrastructures of research centres and technological institutions. Greece provided two calls for proposals that were published on 31 March 2022 and were addressed to the research centres and technological institutions. The eligibility criteria contained in the terms of reference of the calls exclude specific activities, in line with the requirements of the milestone. The terms of reference additionally require that only activities that comply with relevant EU and national environmental legislation will be selected. The calls provide overall criteria to ensure compliance with the Do No Significant Harm Technical Guidance (2021/C58/01), and the General Secretariat for Research and Innovation will examine whether the proposed activities comply with that Technical Guidance. The content and objectives of the evidence provided are in line with the requirements of the milestone. On the

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

- (24) Milestone 254 provides for the start of construction works on the northern section of the E-65 motorway. Greece provided the required documentation proving that the construction works have actually started. Regarding the environmental impact, the evidence provided demonstrates that the Environmental Impact Assessment studies were conducted in accordance with Directive 2011/92/EU (on the assessment of the effects of certain public and private projects on the environment) and Directive 92/43/EEC (on the conservation of natural habitats and of wild fauna and flora). The design of the road was altered to have as little impact on the environment as possible. The content and objectives of the evidence provided are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (25) Milestone 264 provides for the entry into force of primary and secondary legislation for the complete reorganisation of the public companies OSE (railway infrastructure) and ERGOSE (Railway infrastructure construction project manager), allowing them to develop, operate and maintain a modern railway network. Greece provided the new Law 4974/2022 (Official Journal A /185/29.09.2022) and the required secondary legislation. The evidence provided demonstrates that all the relevant primary and secondary legislation entered into force on the date of their publication, i.e. 29 September 2022 for Law 4974/2022, 30 September 2022 for Ministerial Decision 302457 defining railway project construction procedures, 30 September 2022 for Ministerial Decision 302225 containing the establishment of a Special Monitoring Committee and 10 October 2022 for Joint Ministerial Decision 313447 with the purpose and timetable of the Strategic Rail Investment Plan. The content and objectives of the evidence provided are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (26) Milestone 292 provides for the entry into force of the amendments to the legal framework regulating tourist ports and ski resorts and the establishment of a Project Management Office for the supervision of investments in upgrading tourist ports. To this end, the evidence provided demonstrates that primary and secondary legislation entered into force for tourist ports (Laws 4926/2022, 4933/2022, 4974/2022, and 4914/2022, and Joint Ministerial Decisions 18699/5109, 18702/5109, 14339/3810, 14574/4027, 65006/3364, and 13387/3737), and for ski resorts (Law 4926/2022, and Joint Ministerial Decision 14807/4134 and Ministerial Decision 14015/3739). This new legal framework provides increased clarity and certainty to investors by setting into force simpler, transparent and digitalised administrative processes within set deadlines, which are more conducive to new investments and are expected to contribute to the development and resilience of the tourism sector. In particular, the reform of tourist ports introduced regulatory improvements and simplified procedures concerning the zoning process for the characterisation of the land-area which can be used for tourist ports, as well as a more flexible tendering procedure. The legislation also introduced provisions to align the installation and operation licensing of tourist ports and ski resorts with the provisions of the “Investment Licencing Law” of 2016, which provides general guiding principles for a simplified licensing framework, and the use of the dedicated digital tool to support these processes. Further, on 26 July 2022, Greece signed a contract with a technical adviser tasked with organising the operation of a Project Management Office for the supervision of investments in the

upgrading of tourist ports. The content and objectives of the evidence provided are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (27) Milestone 299 provides for the entry into force of legislation to reform the legislative framework for strategic investments. To this end, the evidence provided demonstrates that primary and secondary legislation entered into force to reform the legislative framework for attracting strategic investments (Law 4864/2021 and Law 4887/2022, Joint Ministerial Decisions 62147/507 and YODD 62120/3142). The new legislative framework codified the provisions of Laws 3894/2010 and 4608/2019 into one law, thus introducing more clarity, cohesion and transparency to potential investors and making Greece a more attractive investment destination. The legislation contains provisions that introduced a new category of strategic investments i.e. 'Emblematic Investments of Great Significance'. Eligibility criteria for becoming such an investment have been defined. The legislation also contains provisions to accelerate the administrative procedure for the approval and licensing of strategic investments by introducing new procedures for investors' requests when there is a need for an amendment of their investment plans, and for the licensing of ancillary and accompanying external infrastructure projects that are necessary to support the core strategic investment projects. The secondary legislation (Joint Ministerial Decision 70104/4791) operationalises the deployment of a certified external assessor in the assessment of an environmental impact study. The content and objectives of the evidence provided are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (28) Milestone 300 provides for the launch of all competitive calls for proposals for small-and-medium-sized enterprises in the manufacturing sector regarding the digitalisation of production lines, automation and interconnection of supply chains, designing and production of smart products and services, implementation of smart manufacturing technologies in ultra-high-speed/5G network, mechanical, laboratory and manufacturing equipment, quality control equipment, ICT and software equipment, software licenses, cloud licenses, implementation services for the new IT infrastructure and S/W, IT security services, product design, intellectual property, patent and certification costs. The evidence provided demonstrates that on 27 September 2022, Greece published one comprehensive call in line with the milestone requirements, for expression of interest for application of funding. The call can be considered competitive as the eligibility criteria do not artificially restrict the competition. The call specifies that the types of beneficiaries eligible to receive financial support are small and medium-sized enterprises in the industrial sector (introduction, and sections I.1.3 and I.1.4) and also defines the eligible economic activities of the industrial sector (section I.1.5. and Annex 4). The need to comply with the requirements of the Do No Significant Harm Technical Guidance (2021/C58/01) through the use of an exclusion list and the requirement of compliance with the relevant EU and national environmental legislation is set as a condition for eligibility for financing in the call (section I.1.6.1. and Annexes 6, 10, and 12). The content and objectives of the evidence provided are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (29) Milestone 301 provides for the launch of all competitive calls for proposals for the development of industrial parks, to finance investments in a) infrastructure for the

establishment of the new generation parks with specific energy efficiency criteria for the construction of new buildings and energy efficiency and demonstration projects in large enterprises and supporting measures, b) infrastructure to digitally transform and create smart industrial areas, c) solar renewable energy, d) water management and water resource conservation with water leakage criteria, e) waste water collection and treatment systems compliant with energy efficiency criteria, f) electromobility, and g) projects for the rehabilitation of industrial sites and contaminated lands. The evidence provided demonstrates that on 19 September 2022, Greece published one comprehensive call in line with the milestone requirements, for expression of interest for application of funding. The call can be considered competitive as the eligibility criteria do not artificially restrict the competition. The call specifies the types of investments which are eligible to receive financial support (sections 17 and 23, and Annex IV). The need to comply with the requirements of the Do No Significant Harm Technical Guidance (2021/C58/01) through the use of an exclusion list and the requirement of compliance with the relevant EU and national environmental legislation is set as a condition for eligibility for financing in the call (section 22). The content and objectives of the evidence provided are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (30) Milestone 310 provides for the launching of five competitive calls for proposals, one for each subproject of the corresponding measure: a) innovation and green transition on processing agricultural products, b) modernisation of the primary sector, c) green tourism development, d) cultivation restructuring and e) animal genetic improvement. The milestone 310 requires that the calls for proposals include terms of reference with eligibility criteria that ensure that the selected projects comply with the Do No Significant Harm Technical Guidance (2021/C58/01) through the use of an exclusion list and the requirement of compliance with the relevant EU and national environmental legislation. The published calls for proposals have complied with this requirement. The competitive calls include the following actions which are allocated in the calls according to the objectives of each sub-project: actions related to energy upgrade of production units, buildings and mechanical equipment with low energy consumption, energy upgrade of tourism facilities (buildings), environmentally friendly means of transportation (electric cars, bicycles, etc.), support for environmentally friendly production processes and resource efficiency in SMEs, renewable energy (solar), climate change adaptation and prevention measures and management of climate related risks, biodiversity protection, and natural heritage and resources. Whilst the milestone also required the signature of a contract with an implementing partner, which did not occur because the programme has not been outsourced to an implementing partner, thereby constituting a minimal formal deviation from the requirement of the Council Implementing Decision, the programme is being implemented in-house by a dedicated service of the Ministry of Rural Development and Food established by Presidential Decree and the nature of this part of the measure does not change. As such, the content and objectives of the evidence provided are in line with the requirements of the milestone and the main goal of the investment. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (31) Milestone 322 provides for the signature of the mandate agreement between the Ministry of Finance and the Hellenic Development Bank of Investments that shall manage two projects constituting the equity platform instrument, the Q-Equity Fund of Funds and the Innovate Now Fund of Funds. The evidence provided demonstrates that

the equity platform mandate agreement was signed on 1 April 2022 by the Alternate Minister of Finance, and the President of the Board of Directors and the Chief Executive Officer of the Hellenic Development Bank for Investments. The mandate agreement provides that the Hellenic Development Bank of Investments undertakes the mandate for the management of funds amounting to EUR 500 million for the implementation of the equity platform instrument through the Q-Equity Fund of Funds and the Innovate Now Fund of Funds, with the objective to stimulate private investment. The mandate agreement also provides that, before investing in an investment objective, operators shall ensure compliance with the Do No Significant Harm Technical Guidance (2021/C58/01). In addition, Greece provided the copies of the calls to fund partners for the Q-Equity Fund of Funds and the Innovate Now Fund of Funds. The content and objectives of the evidence provided are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (32) Milestone 323 provides for the signature of the InvestEU Contribution Agreement between the Ministry of Finance of Greece and the European Commission. The evidence provided demonstrates that the InvestEU Contribution Agreement was signed on 28 September 2022 by the Alternate Minister of Finance and the Director-General of the Commission's Directorate-General for Economic and Financial Affairs. The Contribution Agreement provides that the Commission shall negotiate and conclude with the implementing partners (the European Investment Fund and the European Bank for Reconstruction and Development, as suggested by Greece) the Guarantee Agreement, which shall set out the details of the implementation. The Contribution Agreement provides that the Guarantee Agreement shall include provisions stipulating that: (i) financing and investment operations shall comply with the Do No Significant Harm Technical Guidance (2021/C58/01); (ii) the implementing partners shall use commercially reasonable endeavours to ensure that the climate and digital transition commitments will be achieved; (iii) independent auditors shall verify the compliance with the Do No Significant Harm Technical Guidance (2021/C58/01) and with the commitment to invest at least 38.5% of the funds to support the climate transition and 20.8% of the funds to support the digital transition. The content and objectives of the evidence provided are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (33) Target 324 provides for the signature of contracts between financial institutions and final recipients amounting to EUR 586.4 million (including management fees) of Loan Facility funds as regards the financial institutions distribution channel. In this respect, Greece provided evidence demonstrating that EUR 629.1 million (including management fees) of Loan Facility funds were signed by five financial institutions – the European Bank for Reconstruction and Development and the four systemic commercial banks – with final recipients, an amount that is in line with and even exceeds the target. Moreover, the Loan Facility mandate was complied with, notably as regards decision-making, investment and *pari-passu* participation, the requirement for positive net present values, and the reporting of Key Performance Indicators to monitor disbursed loans. Finally, independent auditors verified *ex-ante* for each project its eligibility and categorisation, the compliance with State-aid rules, the non-existence of double funding, the alignment with the Do No Significant Harm Technical Guidance (2021/C58/01), and the contribution of the projects to climate and digital transition. The content and objectives of the evidence provided are in line with

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

- (34) Furthermore, the Hellenic Republic has also confirmed that previously satisfactorily fulfilled milestones and targets have not been reversed.
- (35) Following the fully positive assessment concerning the Hellenic Republic's payment request, in accordance with Article 24(5) of Regulation (EU) 2021/241, the disbursement of the financial contribution for the second instalment of the non-repayable support and the disbursement of the loan for the second instalment of the loan support should be authorised.
- (36) In accordance with Article 2(3) of the Council Implementing Decision, as specified in the Financing Agreement, the pre-financing of the financial contribution shall be cleared by being proportionally deducted against the payment of the instalments. As Greece received 13% of the financial contribution as pre-financing, an amount of EUR 256 676 949 of the payment should be utilised to clear the pre-financing, equal to 13% of the instalment.
- (37) In accordance with Article 3(3) of the Council Implementing Decision, as specified in the Loan Agreement, the pre-financing of the loan shall be cleared by being proportionally deducted against the payment of the instalments. As Greece received 13% of the loan as pre-financing, an amount of EUR 275 763 343 of the payment should be utilised to clear the pre-financing, equal to 13% of the instalment.
- (38) This Decision should be without prejudice to procedures relating to distortions of the operation of the internal market that may be undertaken, in particular under Articles 107 and 108 of the Treaty on the Functioning of the European Union. It does not override the requirement for Member States to implement the measures in accordance with Union and national law and, in particular, to notify instances of potential State aid to the Commission under Article 108 of the Treaty on the Functioning of the European Union.
- (39) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 35(1) of Regulation (EU) 2021/241,

HAS ADOPTED THIS DECISION:

Article 1

Authorisation of the disbursement of the non-repayable support

The disbursement of the second instalment of the non-repayable support as laid down in Section 2(1)(1.2) of the Annex to the Council Implementing Decision of 13 July 2021 on the approval of the assessment of the recovery and resilience plan for Greece for an amount of EUR 1 974 438 067 is authorised.

In accordance with the Financing Agreement concluded pursuant to Article 23(1) of Regulation (EU) 2021/241 between the Commission and the Hellenic Republic, EUR 256 676 949 shall be utilised to clear the pre-financing of the financial contribution and EUR 1 717 761 118 shall be provided to Greece by means of payment to the bank account indicated in the Financing Agreement.

Article 2
Authorisation of the disbursement of the loan support

The disbursement of the second instalment of the loan support as laid down in Section 2(2)(2.2) of the Annex to the Council Implementing Decision of 13 July 2021 on the approval of the assessment of the recovery and resilience plan for Greece for an amount of EUR 2 121 256 487 is authorised.

In accordance with the Loan Agreement concluded pursuant to Article 15(2) of Regulation (EU) 2021/241 between the Commission and the Hellenic Republic, EUR 275 763 343 shall be utilised to clear the pre-financing of the loan and EUR 1 845 493 144 shall be provided to Greece by means of payment to the bank account indicated in the Loan Agreement.

Article 3
Addressee

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 12.1.2023

For the Commission
Paolo GENTILONI
Member of the Commission