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COMMISSION IMPLEMENTING DECISION

of 12.4.2023

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

(Only the Slovene 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 28 July 2021 on the approval of the assessment of the recovery and resilience plan for Slovenia² (the ‘Council Implementing Decision’) provides that the Union is to release instalments in accordance with the Financing Agreement conditional on a decision by the Commission, taken in accordance with Article 24(5) of Regulation (EU) 2021/241, that Slovenia has satisfactorily fulfilled the relevant milestones and targets identified in relation to the implementation of the recovery and resilience plan.

- (2) On 20 October 2022, Slovenia submitted a request for payment, accompanied by a management declaration and a summary of audits. The request concerned the first instalment of the non-repayable support. Pursuant to Article 24(3) of Regulation (EU) 2021/241, the Commission assessed on a preliminary basis whether the relevant milestones and targets set out in the Council Implementing Decision had been satisfactorily fulfilled. For the purpose of this assessment, the operational arrangements concluded between the Commission and Slovenia³ 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 12 relevant milestones related to the non-repayable support and, in accordance with Article 24(4) of Regulation (EU) 2021/241, provided its findings to the Economic and Financial Committee asking for its opinion on the satisfactory fulfilment of the relevant milestones and targets. In accordance with Article 25(4) of that Regulation,

¹ OJ L 57, 18.2.2021, p. 17.

² ST 10612/21 and ST 10612/21 ADD 1, not yet published.

³ Recovery and Resilience Facility Operational arrangements between the European Commission and Slovenia, entered into force on 31 March 2022.

the Commission provided the competent committee of the European Parliament with an overview of its preliminary findings concerning the satisfactory fulfilment of the relevant milestones and targets. The Economic and Financial Committee agreed with the Commission's positive preliminary assessment and considered that Slovenia has satisfactorily fulfilled all the milestones and targets associated with the payment request. The Commission has taken the opinion of the Economic and Financial Committee into account for its assessment.

- (4) Section 2(1)(1.1) of the Annex to the Council Implementing Decision provides the relevant milestones and targets that are to be satisfactorily fulfilled for the first instalment of the non-repayable support for an amount of EUR 57 064 305.
- (5) Milestone 77 provides for the adoption of a strategy for the digital transformation of enterprises by the government. The Slovenian authorities provided a summary document duly justifying how the milestone was satisfactorily fulfilled, together with a copy of the Government decision approving the strategy, a copy of the strategy, and an explanatory report demonstrating how the actions envisaged contribute to the achievement of the objectives of the reform. In addition, Slovenia provided a Government decision on the Addendum to the Strategy for the digital transformation of the economy specifying the roadmap for the implementation of the Common Union Toolbox for Connectivity as an addendum to the strategy and copy of the above-mentioned roadmap published on the website of the Government. The evidence provided demonstrates that the strategy was developed by the government and adopted by Government Decision No. 30200-1/2022/3 of 6 January 2022 and its content and objectives are in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (6) Milestone 83 provides for the launch of the call for expression of interest in a new project on next generation cloud. A summary document duly justifying how the milestone was satisfactorily fulfilled, together with a copy of the call published on the website of the Government of the Republic of Slovenia on 30 March 2021 and a link to the website of the Ministry of Economic Development and Technology, where the call was published, were provided by the Slovenian authorities demonstrating that the call has been published in line with the requirements of the milestone. While the Council Implementing Decision envisaged the call for corporate interest in participating in a multi-country cross-border project of common European data infrastructures and services, to be planned to be implemented as Important Project of Common European Interest (IPCEI) on Next Generation Cloud Infrastructure and Services, the Slovenian authorities used a different State aid compatibility basis for the implementation of the measure in question, namely the General Block Exemptions Regulation (GBER) and an existing Research, Development and Innovation (RDI) scheme. Whilst this constitutes a minimal formal deviation from the wording of the Council Implementing Decision, it only impacts the legal basis under which a specific measure qualifying as State aid is compatible with the internal market, either by being notified to and eventually approved by the Commission under that alternative compatibility basis or by fulfilling the compatibility conditions of block exemption regulations. It does not affect the scope, nature, and level of ambition of the investment itself. Since the Slovenian authorities considered that the measure fulfilled the GBER compatibility conditions and could be implemented on the basis of a previously approved research, development and innovation scheme, they decided to implement the measures under these legal bases to allow for a faster implementation. As of this, this minimal deviation does not affect the progress towards achieving the

investment that the milestone represents. 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.

- (7) Milestone 85 provides for the finalisation of the list of potential participants to the Low-Power Processors and Semiconductor Chips project. A summary document duly justifying how the milestone was satisfactorily fulfilled, together with a copy of the call for expression of interest in the microelectronics project, published on the website of the Ministry of Economic Development and Technology, the final list of potential participants were provided by the Slovenian authorities demonstrating the finalisation of the list of participants in line with the requirements of the milestone. While the Council Implementing Decision envisaged the finalisation of the list of participants in a multi-country project in the field of microelectronics, to be planned to be implemented as Important Project of Common European Interest (IPCEI), the Slovenian authorities used a different State aid compatibility basis for the implementation of the measure in question, namely the General Block Exemptions Regulation (GBER) and an existing Research, Development and Innovation (RDI) scheme. Whilst this constitutes a minimal formal deviation from the wording of the Council Implementing Decision, it only impacts the legal basis under which a specific measure qualifying as State aid is compatible with the internal market, either by being notified to and eventually approved by the Commission under that alternative compatibility basis or by fulfilling the compatibility conditions of block exemption regulations. It does not affect the scope, nature, and level of ambition of the investment itself. Since the Slovenian authorities considered that the measure fulfilled the GBER compatibility conditions and could be implemented on the basis of a previously approved research, development and innovation scheme, the authorities decided to implement the measures under these legal bases to allow for a faster implementation. As of this, this minimal deviation does not affect the progress towards achieving the investment that the milestone represents. 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.
- (8) Milestone 90 provides for the establishment and operationalisation of the State Administration Informatics Development Council. Slovenian authorities provided a summary document duly justifying how the milestone was satisfactorily fulfilled together with a copy of the Ordinance No. 2022-01-0541 of the Government of the Republic of Slovenia of 31 January 2022 governing the composition and functioning of the Council for the Development of Informatics in the State Administration published in the Official Gazette of the Republic of Slovenia (No. 26/22) on 25 February 2022 and the link to the website where it can be accessed, a copy of the Decision of the Republic of Slovenia No. 01301-2/2022/5 of 31 March 2022 appointing the members of the Informatics Development Council and the link to the website where it can be accessed, a copy of the Decision of the Government of the Republic of Slovenia No 01301-2/2022/6 of the 31 March 2022 listing the members of the Informatics Development Council, a link to the website where the decisions of the Informatics Development Council are published under the heading 'Conclusions of the Informatics Development Council', the minutes of the first meeting of the Informatics Development Council of 14 April 2022, a copy of the Decision of the Government of the Republic of Slovenia No 38200-23/2022/4 of the 15 December 2022 adopting the Digital Public Service Strategy 2030 and the copy of the Digital Public Services

Strategy 2030 adopted by Decision of the Government of the Republic of Slovenia on 15 December 2022. The evidence provided demonstrate that the Council is established and operational in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (9) Milestone 124 provides for the entry into force of the Act on forms of alternative investment funds that should define three forms of alternative investment funds, namely: an alternative mutual fund formed as separate assets, a special limited partnership and a fixed capital investment company. The Slovenian authorities provided a copy of the publication of the Act on forms of alternative investment funds in the Official Gazette of the Republic of Slovenia (No. 101/2022) of 26 May 2022 together with additional evidence that demonstrates that the Act on forms of alternative investment funds has entered into force in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (10) Milestone 126 provides for the entry into force of amendments to the Investment Promotion Act with the aim of promoting the green transition. The Slovenian authorities provided a copy of the publication of the Law amending and supplementing the Investment Promotion Act (ZSInv-A) in the Official Gazette of the Republic of Slovenia (No. 204/2021) of 28 December 2021 together with a summary document with appropriate links to the underlying evidence and a reference to the relevant provision indicating the entry into force of the law. However, the general requirement of compliance with the EU and national environmental legislation is not included in the Law. Furthermore, the law also includes a list of excluded activities that cannot be supported by any state incentives. However, this exclusion list is higher level and less restrictive than the Technical Guidance (2021/C58/01) and does not explicitly exclude a number of activities that should be excluded. Whilst some activities are de facto excluded by not being targeted by the investments under this Act, differences remain. Nonetheless, there are no risks to compliance with the do-no-significant-harm (DNSH) requirements related to this measure. This is as the Recovery and Resilience Facility (RRF) investments to be supported under this Act (Investment: Support for decarbonisation, productivity, and competitiveness of companies) contain additional and separate DNSH requirements, which are more specific than the general requirement established in this milestone. These requirements will be checked under the respective milestones (notably milestone 129), where full compliance with the DNSH Technical Guidance will need to be ensured. Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, as the Act does contain a number of requirements to ensure respect of DNSH, including through the use of an exclusion list, and taking into consideration that the RRF-supported investments will be checked through specific DNSH requirements in later milestones, 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. 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.
- (11) Milestone 149 provides for the entry into force of a Decree on Development Incentives for Tourism that sets out the detailed conditions and criteria for award of incentives under the Tourism Development Promotion Act. The Slovenian authorities provided a copy of the publication in the Official Gazette of the Republic of Slovenia (No. 208/2021) of 30 December 2021 together with a summary document with appropriate

links to the underlying evidence and a reference to the relevant provision indicating the entry into force of the law. The evidence provided demonstrates that the Decree on Development Incentives for Tourism entered into force in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.

- (12) Milestone 171 provides for the entry into force of the Debureaucratisation Act. A copy of the publication in the Official Gazette of the Republic of Slovenia (No. 3/2022) of 7 January 2022 was provided by Slovenian authorities together with the reference to Article 55 indicating the entry into force of the Act. A summary document has also been provided that duly justifies how the milestone including all the constitutive elements was fulfilled with appropriate links to the underlying evidence. The evidence provided demonstrates that the Debureaucratisation Act entered into force in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (13) Milestone 174 provides for the entry into force of the amendments to the Public Procurement Act. A copy of the publication in the Official Gazette of the Republic of Slovenia (No. 121/2021) of 23 July 2021 was provided by the Slovenian authorities together with the reference to Article 36 indicating the entry into force of the Act. A summary document has also been provided that duly justifies how the milestone including all the constitutive elements was fulfilled with appropriate links to the underlying evidence. The evidence provided demonstrates that the amendments to the Public Procurement Act entered into force in line with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (14) Milestone 178 provides for the alignment of Slovenia's public procurement databases with the European Commission's database and transmission of the data necessary for the full publication of public procurement indicators in the Single Market Scoreboard by providing adequate clarifications on data transmission and interpretation of Tenders Electronic Daily data. Slovenia provided a summary document with appropriate links to Tenders Electronic Daily and national procurement database and other underlying evidence, as well as a brief explanation by the Ministry of Public Administration on the measures taken to align the data provision in Tenders Electronic Daily. Slovenia also provided a copy of the 2021 Single Market Scoreboard published by the European Commission in December 2021. As such, the content and objectives of the evidence provided demonstrates that the alignment of Slovenia's public procurement databases with the European Commission's database and transmission of the data necessary for the full publication of public procurement indicators in the Single Market Scoreboard has been accomplished 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.
- (15) Milestone 181 provides for the establishment and formalisation of a legal and institutional framework for an adequate functioning of the control and audit systems. Slovenia provided copies of the publication of the relevant decrees and the published guidelines of the Coordinating Body. It also provided a copy of the final audit report on the repository system and spreadsheets with the data required by Article 22 of the RRF Regulation. The summary document submitted by the Slovenian authorities provides links to the relevant documents and explanation how the measures taken by Slovenia fulfil the milestone. The evidence provided demonstrates that the Decree on the implementation of the recovery and resilience plan, the Guidelines of the

Coordinating Body, the amendment of the Decree on bodies affiliated to ministries and the audit report confirming repository system functionalities have been accomplished 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.

- (16) Milestone 196 provides for an adoption of a national monitoring model for quality indicators for long-term care providers in institutions. Slovenia provided the Explanatory document on the national monitoring model for quality indicators for long-term care providers in institutions, a copy of the decision number 170-29/2018/316 on Monitoring the quality and safety of medical treatment in social welfare institutions, adopted by the Ministry of Health on 23 December 2021. Slovenia also provided proof of monitoring the quality being obligatory, which is visible from Annex 1 to the General Agreement for contract year 2021 (number 1720-1/2021-A1), the General Agreement for contract year 2022 (1720-1/2022), and the Long-term care Act adopted on 9 December 2021 by the National Assembly, published in 29 the Official Gazette of the Republic of Slovenia (No. 196/2021) of 17 December 2021, and in force since 18 January 2022 (legal document making obligatory the monitoring and reporting on quality indicators from 2023 on). A summary document provides links to the relevant documents and explains how the measures taken by Slovenia fulfil the milestone. The evidence provided demonstrates that a national monitoring model for quality indicators for long-term care providers in institutions has been adopted 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) Following the fully positive assessment concerning the Republic of Slovenia's payment request, in accordance with Article 24(5) of Regulation (EU) 2021/241, the disbursement of the financial contribution for the first instalment of the non-repayable support should be authorised.
- (18) 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 Slovenia received 13% of the financial contribution as pre-financing, an amount of EUR 7 418 360 of the payment should be utilised to clear the pre-financing, equal to 13% of the instalment.
- (19) 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.
- (20) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 35(1) of Regulation (EU) 2021/241,

HAS ADOPTED THIS DECISION:

Article 1

Authorisation of the disbursement of the non-repayable support

The disbursement of the first instalment of the non-repayable support as laid down in Section 2(1)(1.1) of the Annex to the Council Implementing Decision of 28 July 2021 on the approval of the assessment of the recovery and resilience plan for Slovenia for an amount of EUR 57 064 305 is authorised.

In accordance with the Financing Agreement concluded pursuant to Article 23(1) of Regulation (EU) 2021/241 between the Commission and the Republic of Slovenia, EUR 7 418 360 shall be utilised to clear the pre-financing of the financial contribution and EUR 49 645 945 shall be provided to Slovenia by means of payment to the bank account indicated in the Financing Agreement.

Article 2

Addressee

This Decision is addressed to the Republic of Slovenia.

Done at Brussels, 12.4.2023

For the Commission

Paolo GENTILONI

Member of the Commission