

## Instructie FiCo 1 juli 2020: RRF

### Algemeen

- FiCo zal spreken over de artikelen die niet tussen brackets staan. Tussen brackets staan de omvang, verhouding leningen-subsidies, looptijd en bepalingen die raken aan governance.

### Instructie

- In algemene zin opmerken dat NL van mening is dat steun uit het RRF beperkt moet worden tot leningen.
- Steun uitspreken voor in de inbedding van het RRF in het Europees Semester, koppeling met de CSRs en de koppeling aan groene en digitale transitie.
- Benadrukken dat NL de uitvoering van structurele hervormingen als absolute essentiële voorwaarde ziet voor uitkering van financiële steun uit het RRF. Om dat te waarborgen is NL inzet om het CIE-voorstel verder te versterken door:
  - Een splitsing aan te brengen tussen investerings- en hervormingsplannen v.w.b. eisen, beoordeling en opvolging, waarbij financiering voor investeringen pas vrij komt nadat hervormingen door zijn gevoerd. (M.a.w. hervormingen dienen afzonderlijk van investeringen te worden beoordeeld)
  - Uitdagingen te beperken tot de concrete CSR's, niet de bredere Semester-documenten.
  - In de RRF verordening relevante CSRs 2019 ook mee te nemen bij beoordeling (2020 CSR bieden onvoldoende basis).
  - Een claw-back procedure (conform CIE-voorstel voor reform support programme) op te nemen zodat hervormingen niet worden teruggedraaid.
- Aangeven dat voor NL belangrijk is dat er een strikte objectieve beoordeling is van de plannen en dat uitbetaling alleen volgt bij aantoonbare implementatie/voortgang.
- Aangeven dat NL unanimitieit in de Raad wenst bij de besluitvorming voor beoordeling van de Recovery & Resilience plans en voor beoordeling van de voortgang voor uitbetaling in tranches
- Een afzwakking van de beoordelingscriteria- en methodiek zoals vastgelegd in de Annex dient te worden vermeden. Aanscherpingen kunt u steunen.
- U kunt er daarnaast voor pleiten om een bepaling toe te voegen die er op ziet dat nationale investeringen (exclusief herstellfonds) stabiel moeten blijven, om te voorkomen dat nationale investeringen worden vervangen door EU geld (en consumptieve uitgaven stijgen) (conform CIE-voorstel investment stabilisation function).
- Benadrukken dat het RRF ten minste 25% bij dient te dragen aan klimaat, volledig in lijn moet zijn met de Overeenkomst van Parijs en dat deze punten goed uitgewerkt dienen te worden in de verordening. Investeringen die niet in lijn zijn met EU klimaat en milieu doelen dienen te worden uitgesloten (d.m.v. uitsluitingslijst zoals EFRO/CF en JTF).
- Tot slot heeft NL twee wensen die vooral relevant zijn in het geval (onverhoopt) subsidies worden verstrekt, en in dit stadium daarom beter niet opgebracht kunnen worden (of met grote slag om de arm):
  - Verplichte nationale cofinanciering (conform BICC), ter vergroting van de national ownership.
  - een claw-back procedure (conform CIE-voorstel voor reform support programme) zodat hervormingen niet worden teruggedraaid.

### Toelichting

#### **1. Make a clear distinction between reform plans and investment plans**

Member States should submit both a reform plan and investment plan. The commission will assess these plans separately, taking into account a list of criteria. Payment of the financial contribution will depend on implementation of all the relevant milestones and targets in both the reform plan and the investment plan. Use of the word "coherent package" of reform and investment should be prevented. This can be used as an excuse for only implementing reforms that are linked and conducive to investments.

### Regulation text:

- In all articles that mention "recovery and resilience plans", most notably article 14-19, this term must be replaced by "reform plans and investment plans". This guarantees that all provisions on the content of plans, the criteria for their assessment, and the disbursement of payments applies to both investments and reforms individually. With the current wording, there is no way of knowing if member states can comply by investments and minimal reform.
- In articles 14 and 16.3(f) and recitals 16, 22 the word "coherent" should be deleted. There is no need for reforms to be coherent with investment. Both can be judged on their individual merits in terms of raising growth potential and resilience.
- Additionally, the criteria for the two separate plans could be differentiated in art. 15, which subsequently would also apply to the Commission assessment (art. 16) and Commission decision (art. 17).

## 2. Focus plans on the most necessary reforms

Regulation text:

Article 16.3(a) The Commission shall assess the importance and coherence of the recovery and resilience plan and its contribution to the green and digital transitions, and for that purpose, shall take into account the following criteria:

- (a) whether the recovery and resilience plan is expected to contribute to effectively address challenges identified in the relevant country-specific recommendations addressed to the Member State concerned in the previous two years ~~or in other relevant documents officially adopted by the Commission in the European Semester;~~

This needs to be changed accordingly in recital 22 and annex II with the assessment methodology (para 2 and 2.1).

On top of this, article 16.3 should prescribe member states to at least address the CSR's that are linked to the Stability and Growth Pact and/or Macroeconomic-Imbalance Procedure. For this two new criteria could be added to art. 16.3 (while also reflected in art. 15 and 17):

**(a.1) in case a member state is experiencing imbalances or excessive imbalances as concluded by the Commission after an in-depth review under Article 5 of Regulation (EU) No 1176/2011, whether the recovery and resilience plan is expected to address all these imbalances [in line with the relevant country-specific recommendations].**

**(a.2) in case a member state is in a significant deviation procedure under the preventive arm or an excessive deficit procedure under the corrective arm of the Stability and Growth Pact, whether the recovery and resilience plan is expected to address all the country-specific recommendations stemming from the Stability and Growth Pact.**

## 3. Make reform sustainable (claw-back)

Regulation text:

New article 18a "Durability of reforms" (NB: geleend uit het Commissievoorstel voor een reform support programme van mei 2018)

**A Member State shall repay to the Commission any financial contribution paid to it pursuant to Article 15 with respect to a reform commitment, where, within five years of the payment, the conditions that allowed such payments have changed significantly in the Member State concerned.**

## 4. Make sure money is spent well.

Regulation text:

New article "supported investment" (NB: geleend uit het Commissievoorstel voor een investment stabilisation function van mei 2018)

**A Member State benefitting from EISF support shall, in any given year in which it receives a contribution do the following:**

**(a) invest in eligible public investment an amount corresponding to at least the amount of the RRF contribution,**

**(b) maintain the same level of its public investment compared to the average level of its public investment in the five previous years.**

New article 17a National co-financing (geleend uit BICC)

**Member States shall bear a co-financing of 25 percent of the amount of the estimated total investment costs of the package referred to in Article ( ).**

## **5. Greening the RRF**

Regulation text:

### **Recital 11**

Reflecting the European Green Deal as Europe's sustainable growth strategy and the translation of the Union's commitments to implement the Paris Agreement and the United Nations' Sustainable Development Goals, the Facility established by this Regulation will contribute to mainstreaming climate actions and environmental sustainability to the achievement of an overall target of 25 % of the EU budget expenditures supporting climate objectives. **Operations under the Facility are expected to contribute at least 25 % of the overall financial envelope of the Facility to climate objectives.**

**The contribution of the Facility to the achievement of the climate target will be tracked through the methodology as described in Annex I of the Common Provisions Regulation.**

**Actions under the Recovery and Resilience Facility shall do no harm to EU climate and environment goals.**

### **Article [..] NEW**

**Financing and investment operations shall be screened to determine if they have an environmental or climate impact and if so, shall be subject to climate and environmental sustainability proofing with a view to minimise detrimental impacts and maximise benefits on climate and environment. Projects that are inconsistent with the achievement of the environmental and climate objectives shall not be eligible for support under this Regulation. The Commission shall provide guidance on environmental and climate proofing.**

**The Commission guidance shall identify projects that are inconsistent with the achievement of environmental and climate objectives and provide member states with guidance for the purpose of screening. In case the member state concludes that no sustainability proofing is to be carried out, it shall provide a justification to the Investment Committee.**

## **6. Exclusion list (combinatie van JTF en EFRO/CF uitsluitingslijst)**

Regulation Text:

### **Article 14 Eligibility**

**[4] (NEW)**

**The Facility shall not support:**

- (a) the manufacturing, processing and marketing of tobacco and tobacco products;**
- (b) undertakings in difficulty, as defined in Article 2(18) of Commission Regulation (EU) No 651/201416;**
- (c) investment in airport infrastructure except for outermost regions;**
- (d) investment in disposal of waste in landfill;**
- (e) investment in facilities for the treatment of residual waste;**
- (f) investment related to production, processing, distribution, storage or combustion of fossil fuels, with the exception of investment related to clean vehicles as defined in Article 4 of Directive 2009/33/EC of the European Parliament and of the Council26;**
- (g) investment in broadband infrastructure in areas in which there are at least two broadband networks of equivalent category;**
- (h) funding for the purchase of rolling stock for use in rail transport, except if it is linked to the:**
  - (i) discharge of a publicly tendered public service obligation under Regulation 1370/2007 as amended;**
  - (ii) provision of rail transport services on lines fully opened to competition, and the beneficiary is a new entrant eligible for funding under Regulation (EU) 2018/xxxx [Invest EU regulation].**
- (j) investment in housing unless related to the promotion of energy efficiency or renewable energy use.**