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COMMISSION IMPLEMENTING DECISION

of 2.5.2022

on the authorisation of the disbursement of the first instalment of the non-repayable support and the first instalment of the loan support for Portugal

(Only the Portuguese 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 Portugal² (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 Portugal has satisfactorily fulfilled the relevant milestones and targets identified in relation to the implementation of the recovery and resilience plan.

- (2) On 25 January 2022, Portugal submitted two requests for payment, accompanied by the management declarations and a summary of audits. The requests concerned the first instalment of the non-repayable support and the first 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 the Portuguese Republic³ 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 35 relevant milestones and targets related to the non-repayable support and all three relevant milestones 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 10149/21+ADD 1 REV 1, not yet published.

³ Recovery and Resilience Facility Operational arrangements between the European Commission and Portugal, entered into force on 18 January 2022.

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's positive preliminary assessment and was of the opinion that Portugal 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 636 139 080.
- (5) Section 2(2)(2.1) 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 loan support for an amount of EUR 700 000 000.

Milestones and targets related to the non-repayable support:

- (6) Milestone 1.4 provides for the entry into force of the Mental Health Decree-Law, which establishes the principles for the organisation, management, and evaluation of mental health care services in Portugal. Portugal provided a copy of the publication of the Decree-Law No 113/2021 of 14 December in the Official Journal, and reference to the relevant provisions indicating its entry into force. The evidence provided by Portugal demonstrates the entry into force of the legislative act and that the content and objectives of the new Mental Health Decree-Law 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.
- (7) Milestone 1.29 provides for the deployment of the classification system, functional profile and users' referral system for Madeira's regional model of integrated continued care services. Portugal provided a report of 20 November 2021 prepared by the Technical Coordination of the Integrated Continued Care Network of the Autonomous Region of Madeira, demonstrating the extent to which this milestone contributes to strengthening Madeira's regional model of integrated continued care services, as well as its coordination and technical management. The evidence provided by Portugal demonstrates the deployment of the classification system, functional profile and users' referral system for Madeira's regional model of integrated continued care services and that their 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.
- (8) Target 2.13 provides for the finalisation of 24 new dwellings to improve housing conditions in the Azores. Portugal provided evidence that the dwellings were finalised including a list of interventions with a brief description of the works performed, their address, copies of the works statements, copies of the acceptance certificates signed off by the final recipients, proof of the average size of the dwellings, copies of the energy performance certificates and the weighted average reduction in primary energy consumption. The evidence provided by Portugal demonstrates that the construction of the new dwellings is in line with the requirements of the target. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.

- (9) Target 2.14 provides for the rehabilitation of 40 dwellings in the Azores to improve their energy efficiency. Portugal provided a list of interventions with a brief description of the works performed, their address, copies of the works statements, copies of the acceptance certificate signed off by the final recipients, proof of the average size of the dwellings, copies of the energy performance certificates and the weighted average reduction in primary energy consumption. The evidence provided by Portugal demonstrates that the rehabilitation of the 40 dwellings is in line with the requirements of the target. On the basis of the due justification provided, the target should be considered as satisfactorily fulfilled.
- (10) Milestone 2.19 provides for the entry into force of the Decree-Law approving the legal framework for the National Urgent and Temporary Housing Plan. Portugal provided a copy of the publication in the Official Journal of Decree-Law No 26/2021 of 31 March and of the Government Order ('Portaria') No 120/2021 of 8 June, and a reference to the relevant provisions indicating the entry into force, as well as a copy of the National Urgent and Temporary Housing Plan as approved by the government. The evidence provided by Portugal demonstrates that the Decree-Law has entered into force and the content and objectives of the legal framework approved by the legal act 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 3.17 provides for the publication of a tender for the investment 'Building of digital infrastructure for Accessibility 360°'. The tender covers programmes that provide (i) geo-referencing of the location and accessibility conditions of public buildings, (ii) Global Information and Positioning Systems (GPS) for large public buildings and enabling the inclusion of private buildings, and (iii) geo-referencing of parking spaces for people with reduced mobility. Portugal provided a copy of the tender specifications and evidence that the call for tender was published in the Official Journal and it was opened for applications, along with a justification that the content and objectives of the technical specifications are compliant with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (12) Milestone 3.20 provides for the adoption of the National Strategy to Combat Poverty. Portugal provided a copy of the publication in the Official Journal of Council of Ministers Resolution No 184/2021 of 29 December, adopting the National Strategy to Combat Poverty and an explanatory report demonstrating how the actions foreseen in the strategy contribute to achieving the objectives of the reform 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 3.21 provides for the adoption of the National Strategy for the Inclusion of Persons with Disabilities 2021-2025. Portugal provided a copy of the publication in the Official Journal of Council of Ministers Resolution No 119/2021 of 31 August, on the adoption of the National Strategy for the Inclusion of Persons with Disabilities 2021-2025 and an explanatory report demonstrating how the actions foreseen in the national strategy contribute to achieving the objectives of the reform. The Council of Ministers Resolution provided by Portugal demonstrates that the National Strategy for the Inclusion of Persons with Disabilities 2021-2025 was adopted 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.

- (14) Milestone 3.22 provides for the entry into force of the Simplified Social Equipment Installation Regime. Portugal provided a copy of the publication in the Official Journal of Decree-Law No 126-A/2021 of 31 December on the Simplified Social Equipment Installation Regime. The legal act provided by Portugal demonstrates that the Simplified Social Equipment Installation Regime has entered into force and that 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.
- (15) Milestone 3.23 provides for the approval of Action Plans for disadvantaged communities in the Metropolitan Areas of Lisbon and Porto. Portugal provided copies of the Action Plans, evidence of their approvals by the respective Metropolitan Councils, the diagnostic report for Porto to support the design of the action plan for Porto, an explanatory report demonstrating how the actions foreseen in the national strategy contribute to achieving the objectives of the reform, and evidence for setting up the local Technical Units. The evidence provided by Portugal demonstrates that the Action Plans for disadvantaged communities in the Metropolitan Areas of Lisbon and Porto are approved and their 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.
- (16) Milestone 5.1 provides for an update of the guidelines for the ‘Technological and Business Innovation Strategy 2018-2030’. The update aims at simplifying access to funding instruments for research and development (R&D) activities and at enhancing the predictability and stability of funding for R&D, to foster R&D investment. Portugal provided a copy of the ‘Portugal 2030 strategy’ and of Council of Ministers Resolution No 25/2018 of 8 March, containing the guidelines for the ‘Technological and Business Innovation Strategy 2018-2030’, as well as a copy of the publication in the Official Journal and reference to the relevant provisions indicating the entry into force of Council of Ministers Resolution 186/2021 of 29 December 2021, approving the 2021-2030 public investment programme in research and development. The evidence provided by Portugal demonstrates that the guidelines for a technological and business innovation strategy 2018-2030 are updated and that their 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.
- (17) Target 5.2 provides for the expansion of the network of collaborative laboratories (CoLABs) from 26 to 35. CoLABs are private non-profit associations or companies, with the main objective to create qualified employment in Portugal through the implementation of research and innovation agendas geared towards the creation of economic and social value. Their expansion is expected to contribute to improve academia-business linkages in order to enhance knowledge flows and technology transfer. Portugal provided, among others, the final list of the new entities awarded with the qualification of CoLAB, nine documents certifying individually the award of such qualifications, Synthesis Paper of the 35 entities qualifying as CoLABs after four evaluation rounds and a report of the activity of the panel of experts for the recognition of CoLABs. The evidence provided by Portugal demonstrates the expansion of the network of COLABs, and that their content and objectives 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.
- (18) Milestone 5.3 provides for the revision and standardisation of the legislative and regulatory framework for Technology Interface Systems. It refers in particular to

Technological Centres and INTERFACE Centres, which link research organisations and companies to support the transfer of knowledge and technology. Portugal provided a copy of the publication in the Official Journal and reference to the relevant provisions indicating the entry into force of Decree-Law 126-B/2021 of 31 December on, laying down such legal arrangements. The evidence provided by Portugal demonstrates that the new legal regime for technology and innovation centres has entered into force 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.

- (19) Milestone 5.4 provides for the approval of the Innovation Agenda for Agriculture for the period 2020 to 2030. It provides the necessary means for updating and preparing existing infrastructure as well as promoting functional alliances along the agro-food chain businesses and research, in order to promote the development and integration of research and innovation targeted to the needs of the agricultural sector with a view to the green and digital transition. Portugal provided a copy of the publication in the Official Journal of Council of Ministers Resolution No 86/2020 of 13 October, laying down the Innovation Agenda. The evidence provided by Portugal demonstrates that the Innovation Agenda for Agriculture for the period 2020 to 2030 is approved 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.
- (20) Milestone 5.11 provides for the launch of at least one tender for research and innovation projects for sustainable agriculture, food and agro-industry. Portugal provided the tender documentation for eight tender notices with technical specifications showing that their content and objectives are in compliance with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (21) Milestone 5.15 provides for the adoption by the Regional Government of the Azores of a legislative act establishing a capitalisation fund for the region and mandating the adoption by Banco Português de Fomento of an investment policy. The fund shall subsequently invest EUR 125 000 000 in viable local firms in the Azores, mainly in the form of equity. Portugal provided a copy of the publication in the Official Journal and reference to the relevant provisions indicating the entry into force of Government Council Resolution (Azores) No 276/2021 of 22 November for the investment policy to be aligned with the Commission Notice Technical guidance on the application of ‘do no significant harm’ under the Recovery and Resilience Facility Regulation (DNSH technical guidance (2021/C58/01))⁴, demonstrating that the resolution was adopted 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.
- (22) Milestone 5.16 provides for the adoption of an investment policy for the special purpose vehicle managed by Banco Português de Fomento, which shall subsequently invest EUR 125 000 000 in viable Azorean firms mainly in the form of equity, to address the structural problem of undercapitalisation of firms in the region. Portugal provided, among others, a copy of the Investment Policy adopted and signed by Banco Português de Fomento on 31 December 2021, together with a link to its publication on

⁴ OJ C 58, 18.2.2021, p. 1

the website of Banco Português de Fomento, as well as an extract of the investment policy showing alignment with the Commission Notice -Technical guidance on the application of ‘do no significant harm’ under the Recovery and Resilience Facility Regulation (DNSH technical guidance (2021/C58/01)). The evidence provided by Portugal demonstrates that the investment policy was adopted 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.

- (23) Milestone 6.13 provides for the entry into force of the law creating special competitions for admission to higher education for holders of dual secondary education and specialised artistic courses. Portugal provided a copy of the publication in the Official Journal and reference to the relevant provisions indicating the entry into force of Decree-Law No 11/2020 of 2 April, which lays down such legal arrangements. The evidence provided by Portugal demonstrates that the law has entered into force 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.
- (24) Milestone 6.14 provides for the entry into force of the new legal framework governing the cooperation of higher education institutions with the public administration and businesses. Portugal provided a copy of the publication in the Official Journal and reference to the relevant provisions indicating the entry into force of Decree-Law No 27/2021 of 16 April, laying down such legal arrangements. The evidence provided by Portugal demonstrates that the law has entered into force 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.
- (25) Milestone 7.4 provides for the selection of Business Reception Areas for interventions to improve environmental sustainability and digitalisation, namely through the signature of a public protocol. Portugal provided evidence of the competitive tender procedure including the call for expression of interest, the call for application and the technical specifications. Furthermore, Portugal provided the public decision concluding the selection process. The evidence provided by Portugal demonstrates that the content and objectives of the selected Business Reception Areas 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 7.6 provides for the contract signed with a contractor for one road project, namely the construction of a rail-road link in the Porto Area, including the construction of a new bridge over the Ave River. Portugal provided a copy of the signed contract with the list of the contractual counterparts and the tender documentation including the technical specifications. In addition, an Environmental Impact Assessment was carried out and its conclusions were provided, together with a statement from the beneficiary demonstrating how the results and conditions from the Environmental Impact Assessment have been fully incorporated into the project design at the stages of construction, operation and decommissioning of the infrastructure to ensure compliance with the Commission Notice Technical guidance on the application of ‘do no significant harm’ under the Recovery and Resilience Facility Regulation (DNSH technical guidance (2021/C58/01)). The evidence provided by Portugal demonstrates that the contract was signed and that 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.

- (27) Milestone 7.13 provides for the contract signed with a contractor for two road projects in the Azores. Portugal provided the copies of the two signed contract with the list of the contractual counterparts and the tender documentation with technical specifications. In addition, Environmental Impact Assessments have been carried out and its conclusions have been provided, together with the statements from the beneficiaries demonstrating how the results and conditions from the Environmental Impact Assessments have been fully incorporated into the project design at the stages of construction, operation and decommissioning of the infrastructures to ensure compliance with the Commission Notice Technical guidance on the application of ‘do no significant harm’ under the Recovery and Resilience Facility Regulation (DNSH technical guidance (2021/C58/01)). The evidence provided by Portugal demonstrates that the contract was signed and that 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.
- (28) Milestone 8.17 provides for the entry into force of the legal framework on compulsory tenure of rural land in forestry areas to transform the landscape of vulnerable forests territories with extensive areas of unmanaged monocultures and high risk of fires, in order to prevent rural fires and increase climate and economic resilience. Portugal provided a copy of Law No 68/2020 of 5 November authorising the Government to amend Law No 31/2014 of 30 May setting the basis for public policy on land, town and country planning and of Decree-Law No 52/2021 of 15 June establishing the legal framework on compulsory tenure of rural land in forestry areas. Portugal also provided a copy of the Council of Ministers Resolution No 49/2020 of 24 June approving the Landscape Transformation Programme and of necessary legal framework, including a copy of: (i) the Decree-Law No 28-A/2020 of 26 June establishing the legal framework for conversion of landscapes applicable to Landscape Planning and Management Programmes (PRGPs) and Integrated Landscape Management Areas (AIGPs), (ii) the Government Order No 301/2020 of 24 December which approves the delimitation of vulnerable territories to which PRGPs and AIGPs may apply and of (iii) the Decree-Law No 29/2020 of 29 June creating a support programme for simple rural land reparcelling (‘Emparcelar para Ordenar’). The evidence provided by Portugal demonstrates the entry into force of the legal framework on compulsory tenure of rural land in forestry areas and that its contents 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.
- (29) Milestone 8.19 provides for the entry into force of the law establishing the integrated management system for rural fires (SGIFR) and laying down its operational rules to increase the prevention from and to improve the fight against rural fires. Portugal provided a copy of: (i) the Law No 38/2021 of 16 June authorising the Government to legislate on the SGIFR and its operating rules, (ii) the Decree Law No 82/2021 of 13 October establishing SGIFR, laying down its operational rules, and setting up by law a rural fire information system, (iii) the Council of Ministers Resolution No 45-A/2020 of 16 June, approving the National Plan for Integrated Management of Rural Fires (PNGIFR) and of (iv) the Council of Ministers Resolution No 71-A/2021 of 8 June approving the National Action Programme of the National Plan for Integrated Management of Rural Fires. The evidence provided by Portugal demonstrates the entry into force of the law establishing SGIFR and laying down its operational rules, and that its contents 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.

- (30) Milestone 10.1 provides for the entry into force of the revised legal acts of the Ministry of the Sea related to strengthening the financing capacity of the Sea Economy and Innovation through the Blue Fund, to revise the Port Tech Clusters Network legislation expanding its scope to the decarbonisation of the sea economy, to revise and adapt the Blue Fund organic and operation mode to adapt it to manage the investments in the component and to create a governance model of the Blue Hub. Portugal provided a copy of: (i) the Council of Ministers Resolution No 182/2021 of 24 December which revises the Council of Ministers Resolution No 175/2017 of 24 November defining the strategy of the Port Tech Clusters Network, (ii) the Decree-Law No 123/2021 of 30 December which amends Decree-Law No 16/2016 of 9 March creating the Blue Fund and repeals Order No 344/2016 of 30 December, and (iii) the Order of the Minister No 12495/2021 of 22 December which establishes the principles of the governance model of the Blue Hub. The evidence provided by Portugal demonstrates the entry into force of the revised acts of the Ministry of the Sea related to strengthening the financing capacity for the Sea Economy and Innovation through the Blue Fund, and that its contents 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.
- (31) Milestone 11.1 provides for the launch of the first annual tenders for decarbonisation projects in industry. Portugal provided copies of the tender notices for decarbonisation projects with technical specifications showing compliance with the requirements of the milestone. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (32) Milestone 12.1 provides for the signature of the 2021 protocol of the ‘Resineiros - Vigilantes’ programme between the Institute for Nature and Forest Conservation, and the national professional association of resin producers. Portugal provided the protocol signed. 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.
- (33) Milestone 12.5 provides for the entry into force of the New General Waste Management Regime. This part of the reform aims among others to remove the constraints on the use of by-products or waste for new products by the simplification of the administrative process and the reduction of the costs associated with the use of by-product. Portugal provided a copy of the publication in the Official Journal and reference to the relevant provisions indicating the entry into force of Decree-Law No 102-D/2020 of 10 December, laying down such legal arrangements. The evidence provided by Portugal demonstrates that the New General Waste Management Regime has entered into force 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.
- (34) Milestone 14.1 provides for the establishment of the conditions for the injection of gases of renewable origin, including renewable hydrogen and other renewable gases, in the gas transmission and distribution infrastructures with the entry into force of the Regulation of the National Gas Transmission Network and the Regulation of the National Gas Distribution Network. Portugal provided a copy of the publication in the Official Journal of the relevant regulations (order No 806-C/2022 of 19 January and order No 806-B/2022 of 19 January) and reference to the relevant provisions indicating their entry into force and that their 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.

- (35) Milestone 14.2 provides for the launch of the first call for tender to select projects of renewable gas production, including projects of renewable hydrogen for at least 88 MW. Portugal provided the evidence of the launch of the call including the complete tender documentation and technical specifications and that their content and objectives are in line with the requirements of the milestone including the compliance with the requirement of production of renewable gases with zero or very close to zero life cycle emissions as defined in the Decree-Law No 62/2020 of 28 August that defines the technical eligibility conditions for energy produced by installations using only renewable energy sources. On the basis of the due justification provided, the milestone should be considered as satisfactorily fulfilled.
- (36) Target 16.13 provides for the selection of 16 Digital Innovation Hubs to support companies to become more competitive in the digital sphere. Portugal submitted the official documents related to the tender and the selection of 17 Digital Innovation Hubs consortia including the documents related to compliance with the Commission Notice Technical guidance on the application of ‘do no significant harm’ under the Recovery and Resilience Facility Regulation (DNSH technical guidance (2021/C58/01)), demonstrating that their content and objectives 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.
- (37) Milestone 17.6 provides for the entry into force of the new management contract template to be signed with public managers appointed to the Boards of Directors of state-owned enterprises, in order to increase responsibility and accountability in the management of public resources through a new system of performance-oriented incentives/penalties. Portugal provided as evidence: (i) the approval of Government Order (‘Portaria’) No 317-A/2021 of 23 December foreseeing the possibility of attributing a financial performance bonus to public managers and establishing the conditions of eligibility, composition, determination and attribution; (ii) a copy of the new management contract template, including indication of the entry into force and clarification that, with the necessary adaptations, it shall be implemented in all state-owned enterprises; and, (iii) an implementation report demonstrating how the provisions in the new management contract template will support the performance of public managers and how the new system of incentives/penalties will increase responsibility and accountability in the management of public resources. The evidence provided by Portugal demonstrates that the new management contract template has entered into force 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.
- (38) Milestone 19.22 provides for the entry into force of a legal framework for the digital transformation of the Public Administration, including for the implementation of the single digital gateway and the ‘once only principle’, anchored in the Strategy and Action Plan for Digital Transformation in Public Administration for 2021 to 2026. Portugal provided as evidence the copies of: (i) the Council of Ministers Resolution No 131/2021 of 10 September, approving the Strategy for the Digital Transformation of Public Administration 2021-2026 and its Action Plan; and (ii) the Decree-Law No 65/2021 of 30 July, regulating the legal regime for the security of cyberspace and

defining the cybersecurity certification obligations pursuant to Regulation (EU) 2019/881 of the European Parliament and of the Council⁵. The evidence provided by Portugal demonstrates that the legal framework for the digital transformation of the public administration has entered into force 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.

- (39) Milestone 19.24 provides for the setting up of the structure for the coordination of training activities (the Instituto Nacional de Administração) and the deepening of the Qualifica programme, aiming at strengthening the management and training structure for civil servants and management, including the upskilling of civil servants, and the implementation of new working models. Portugal provided as evidence copies of: (i) the Decree-Law No 19/2021 of 15 March, amending the model of education and training in the public administration, establishing the National Institute of Administration, I.P. (INA, I.P.) and abolishing the Directorate-General for the Qualification of Workers in Public Functions; (ii) the Order No 4763-D/2021 of 11 May, appointing the INA, I.P. Installing Committee; (iii) the Order No 100-B/2021 of 11 May, approving the internal organisation and defining the headquarters of INA, I.P.; (iv) the Order No 4763-C/2021 of 11 May, establishing the Strategic Board of INA, I.P.; (v) the Decree-Law No 27/2021 of 16 April, which adapts and modernises the incentive scheme for the cooperation of higher education institutions with the Public Administration; (vi) the Decree-Law No 40/2020 of 17 July, implementing a programme of incentives for civil service workers to work in inland areas; (vii) the Order No 11427/2021 of 19 November, creating the Qualifica AP Centre for local government; and (viii) the Order No 12126/2021 of 14 December, setting up 5 Qualifica AP Centres. The evidence provided by Portugal demonstrates that the objectives and content of the different parts of the structure for the coordination of training activities and the deepening of the Qualifica AP programme 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.
- (40) Milestone 20.2 provides for the signature of the contracts for the procurement of 600 000 laptops to be later distributed to primary and secondary pupils and teachers in the Portuguese public schools network. Portugal provided the copies of the nine signed contracts. This evidence demonstrates that the contracts, cumulatively, 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.

Milestones related to the loan support:

- (41) Milestone 5.23 provides for the establishment of Banco Português de Fomento, as the state-owned National Promotional Bank, setting also its activities and statutes. The main objective of the bank is to facilitate the access to finance of Portuguese firms by reducing the complexity of publicly supported corporate finance products and by enabling projects of national strategic interest. Portugal provided a copy of the publication of Decree-Law 63/2020 of 7 September in the Official Journal and reference to the relevant provisions indicating the entry into force, on 3 November

⁵ Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act) (OJ L 151, 7.6.2019, p. 15).

2020, legally establishing Banco Português de Fomento. The evidence provided by Portugal demonstrates that the legal act setting the activities and statutes of Banco Português de Fomento has entered into force 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.

- (42) Milestone 5.27 provides for the adoption of a decree-law establishing the national capitalisation fund and mandating the adoption by Banco Português de Fomento of an investment policy. The fund shall subsequently invest EUR 1 300 000 000 in viable Portuguese firms, mainly in the form of equity or quasi-equity. Portugal provided a copy of the publication in the Official Journal and reference to the relevant provisions indicating the entry into force of Decree-Law 63/2021 of 28 July. The evidence provided by Portugal demonstrates the entry into force of the decree-law and that the content and objectives of the legal act 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.
- (43) Milestone 5.28 provides for the adoption of an investment policy for the special purpose vehicle managed by Banco Português de Fomento, which shall subsequently invest EUR 1 300 000 000 in viable Portuguese firms mainly in the form of equity or quasi-equity. Portugal provided, among others, a copy of the Investment Policy adopted and signed by Banco Português de Fomento and approved by the Minister of State, the Economy and Digital Transition on 22 December 2021, together with a link to its publication on the website of Banco Português de Fomento, as well as an extract of the investment policy showing alignment with the Commission Notice Technical guidance on the application of ‘do no significant harm’ under the Recovery and Resilience Facility Regulation (DNSH technical guidance (2021/C58/01)). The evidence provided by Portugal demonstrates that the content and objectives of the investment policy 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.
- (44) Following the positive assessment concerning the Portuguese Republic’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 and the disbursement of the loan for the first instalment of the loan support should be authorised.
- (45) 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 Portugal received 13 % of the financial contribution as pre-financing, an amount of EUR 82 698 080 of the payment should be utilised to clear the pre-financing, equal to 13% of the instalment.
- (46) 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 Portugal received 13% of the loan as pre-financing, an amount of EUR 91 000 000 of the payment should be utilised to clear the pre-financing, equal to 13 % of the instalment.
- (47) This Decision should be without prejudice to procedures relating to distortions of the operation of the internal market that may be undertaken, in particular under Articles 107 and 108 of the Treaty on the Functioning of the European Union. It does not

override the requirement for Member States to implement the measures in accordance with Union and national law and, in particular, to notify instances of potential State aid to the Commission under Article 108 of the Treaty on the Functioning of the European Union.

- (48) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 35(1) of Regulation (EU) 2021/241,

HAS ADOPTED THIS DECISION:

Article 1

Authorisation of the disbursement of the non-repayable support

The disbursement of the 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 13 July 2021 on the approval of the assessment of the recovery and resilience plan for Portugal for an amount of EUR 636 139 080 is authorised.

In accordance with the Financing Agreement concluded pursuant to Article 23(1) of Regulation (EU) 2021/241 between the Commission and the Portuguese Republic, EUR 82 698 080 shall be utilised to clear the pre-financing of the financial contribution and EUR 553 441 000 shall be provided to Portugal 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 first instalment of the loan support as laid down in Section 2(2)(2.1) 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 Portugal for an amount of EUR 700 000 000 is authorised.

In accordance with the Loan Agreement concluded pursuant to Article 15(2) of Regulation (EU) 2021/241 between the Commission and the Portuguese Republic, EUR 91 000 000 shall be utilised to clear the pre-financing of the loan and EUR 609 000 000 shall be provided to Portugal by means of payment to the bank account indicated in the Loan Agreement.

Article 3

Addressee

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 2.5.2022

For the Commission

Paolo GENTILONI

Member of the Commission