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Proposal for a

COUNCIL IMPLEMENTING DECISION

establishing the satisfactory fulfilment of the conditions for the payment of the third instalment of the non-repayable financial support and loan support under the Ukraine Plan of the Ukraine Facility

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THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2024/792 of the European Parliament and of the Council of 29 February 2024 establishing the Ukraine Facility¹ and in particular Article 26(4) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Pillar I of the Ukraine Facility makes financial support of up to EUR 38 270 000 000 available to Ukraine for the period 2024-2027 in the form of non-repayable support and loans. Financing under Pillar I is mainly allocated on the basis of the Ukraine Plan (the Plan). The Plan sets out the reform and investment agenda for Ukraine, and the qualitative and quantitative steps linked to funding under Pillar I.
- (2) Pursuant to Article 19 of Regulation (EU) 2024/792, the Council adopted Implementing Decision (EU) 2024/1447² on the approval of the assessment of the Plan. The timetable for monitoring and implementing the Plan, including the qualitative and quantitative steps linked to the funding under Pillar I of the Ukraine Facility, are set out in the Annex to Implementing Decision (EU) 2024/1447.
- (3) The total sum of financial resources made available for the Plan under Council Implementing Decision (EU) 2024/1447 amounts to EUR 32 270 000 000, of which EUR 5 270 000 000 is in the form of non-repayable financial support and up to EUR 27 000 000 000 is in the form of a loan.
- (4) In accordance with Articles 24 and 25 of Regulation (EU) 2024/792, EUR 6 000 000 000 has been disbursed to Ukraine as exceptional bridge financing and EUR 1 890 000 000 in the form of pre-financing that represents an advance payment of 7% of the loan support that Ukraine is eligible to receive under the Plan.

¹ OJ L, 2024/792, 29.2.2024, ELI: <http://data.europa.eu/eli/reg/2024/792/oj>

² Council Implementing Decision (EU) 2024/1447 of 14 May 2024 on the approval of the assessment of the Ukraine Plan, OJ L, 2024/1447, 24.5.2024, ELI: http://data.europa.eu/eli/dec_impl/2024/1447/oj

- (5) In accordance with Article 26(4) of Regulation (EU) 2024/792, EUR 8 221 521 428 has been disbursed to Ukraine in the first two instalments under the Plan. EUR 3 000 000 000 has been disbursed in the form of non-repayable financial support and EUR 5 221 521 428 in the form of loans. In accordance with the Loan Agreement concluded between the Union and Ukraine pursuant to Article 22 of Regulation (EU) 2024/792, EUR 393 017 742 was deducted from the first two instalments to clear the pre-financing of the loan.
- (6) In accordance with Article 26(2) of Regulation (EU) 2024/792, Ukraine submitted a duly justified request on 15 January 2025 for the payment of the third instalment of the non-repayable financial support and loan support, amounting to EUR 3 717 741 935, as set out in the Annex to Council Implementing Decision (EU) 2024/1447. The request was accompanied by a series of documents demonstrating the satisfactory fulfilment of the relevant steps, as well as all other documents required under Article 12 of the Framework Agreement, Article 5 of the Financing Agreement and Article 6 of the Loan Agreement concluded between the Union and Ukraine pursuant to Articles 9, 10 and 22 of Regulation (EU) 2024/792.
- (7) Ukraine has provided, along with its request for payment, due justification of the satisfactory fulfilment of the 13 steps due by the fourth quarter of 2024, in accordance with Implementing Decision (EU) 2024/1447. The 13 satisfactorily fulfilled steps relate to various reforms set out in the Plan under the chapters on public financial management, the judicial system, management of public assets, human capital, the business environment, decentralisation and regional policy, the energy sector, transport, the agri-food sector, and management of critical raw materials. Legislation has entered into force on improving of the insolvency regime, on ensuring the independence of the National Energy Utilities Regulatory Commission of Ukraine, on the state agrarian register and on revising the national programme for the development of the mineral resource base. The state ownership policy has been adopted, and triage of state-owned enterprises has been completed. Strategies have been adopted for reforming psychoneurological and other residential institutions and for de-institutionalisation of care for persons with disabilities, older persons and children. Ukraine has also adopted: resolutions for the resumption of market surveillance measures and control of non-food products; resolutions for development of urban planning at the local level; the revised national transport strategy of Ukraine; the strategy for developing and expanding the border infrastructure with EU Member States and the Republic of Moldova; and the strategy for agriculture and rural development. A market-based framework for renewable energy has been introduced.
- (8) In accordance with Article 26(4) of Regulation (EU) 2024/792, the Commission has assessed the payment request submitted by Ukraine in detail and made a positive assessment of the satisfactory fulfilment of the 13 qualitative and quantitative steps for the third instalment that are specified in the Annex to this Decision. This positive assessment was done in the context of the implementation of the Plan. Further alignment with the EU *acquis* will be facilitated through the EU accession process.

- (9) The Commission has assessed that Ukraine continues to fulfil the pre-condition for Union support set out in Article 5 of Regulation (EU) 2024/792. In particular, Ukraine continues to uphold and respect effective democratic mechanisms, including a multi-party parliamentary system and the rule of law, and to guarantee respect for human rights, including the rights of persons belonging to minorities.
- (10) This Decision should therefore establish that the relevant conditions for payment of the third instalment under the Plan have been satisfactorily fulfilled.
- (11) Considering the difficult fiscal situation Ukraine is facing, it is of the utmost importance to disburse the funds as soon as possible. Given the urgency of the situation and expedite the process, this Decision should enter into force on the day of its publication in the *Official Journal of the European Union* and should apply from the date of its adoption,

HAS ADOPTED THIS DECISION:

Article 1

The satisfactory fulfilment of the relevant conditions for the payment of the third instalment amounting to EUR 3 717 741 935 set out in the Annex to Implementing Decision (EU) 2024/1447 is hereby established in line with the assessment provided by the Commission in accordance with Article 26 of Regulation (EU) 2024/792, annexed to this Decision.

Article 2

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from the date of its adoption.

Done at Brussels,

For the Council
The President