



Brussels, 29.11.2024
C(2024) 8578 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 29.11.2024

on supplementing Regulation (EU) 2024/792 of the European Parliament and of the Council establishing the Ukraine Facility by setting out the detailed elements of the scoreboard for the Ukraine Plan

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

1.1. General background and objective

On 24 February 2022 Russia launched an unprovoked and unjustified military aggression against the territorial integrity of Ukraine. Russia's full-scale invasion of Ukraine led to devastating humanitarian, social and economic consequences. To this day, intense fighting, heavy artillery shelling and airstrikes keep causing significant civilian casualties and damage to critical infrastructure and productive assets.

In accordance with Regulation (EU) 2024/792, the Ukraine Facility ('the Facility') has been established as a dedicated instrument with an overall maximum amount of Union support of EUR 50 billion in current prices. The Facility aims to contribute to addressing Ukraine's financing gap and maintaining macro-financial stability until 2027. The objective is to contribute to Ukraine's recovery, reconstruction and modernisation needs while supporting the country's reform efforts on its accession path towards membership of the Union.

The Ukraine Facility Regulation sets out that the progress in the implementation of the Plan will be made available to the public through the establishment of a scoreboard for the Ukraine Plan ('the Scoreboard'). The Scoreboard will be available online and will be updated twice a year, after it is made operational as of 1 January 2025.

This Delegated Regulation sets out the elements of the Scoreboard to display the progress of the implementation of the Ukraine Plan. These elements of the Scoreboard will be developed by the Commission on the sole basis of: (i) the information included in the Ukraine Plan and its assessment; (ii) the assessments of the satisfactory fulfilment of qualitative and quantitative steps included in the Council implementing decisions establishing the satisfactory fulfilment of the conditions for payments; and (iii) the resulting authorised disbursements.

1.2. Legal background

Article 21(1) of Regulation (EU) 2024/792 empowers the Commission to establish a scoreboard for Ukraine Plan which shall display the progress made in the implementation of the Ukraine Plan while Article 21(2) empowers the Commission to define by means of a delegated act the detailed elements of the Scoreboard. Article 21(3) of Regulation (EU) 2024/792 further specifies that the Scoreboard must be operational by 1 January 2025, be updated by the Commission twice a year, and be made publicly available online.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

In line with the Common Understanding of 2016¹ between the European Parliament, the Council and the Commission, the Commission consulted Member States' experts on this Delegated Regulation in a meeting on 14 November 2024. A representative of the European Parliament participated in the meeting as an observer. Member States asked for clarifications on the link with other tools, such as the Ukrainian government's reform matrix, and the impact of the possible amendments to the Ukraine Plan. Member States experts also asked about the frequency of updates of the Scoreboard. In addition, Member States experts asked for further clarification on the list of persons and entities receiving funding exceeding the equivalent of EUR 100 000 over the period of the implementation of the Plan.

¹ http://data.europa.eu/eli/agree_interinst/2016/512/oj

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The right to adopt delegated acts is provided for under Article 21(2) of Regulation (EU) 2024/792.

Article 1 of the Commission Delegated Regulation lays down the content of the scoreboard for the Ukraine Plan.

Article 2 of the Commission Delegated Regulation lays down the entry into force of the Regulation.

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THE EUROPEAN COMMISSION,

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 Facility², and in particular Article 21(2) thereof,

Whereas:

- (1) Regulation (EU) 2024/792 established the Ukraine Facility ('the Facility') to contribute to addressing Ukraine's financing gap and maintaining its macro-financial stability until 2027. The objective is to contribute to Ukraine's recovery, reconstruction and modernisation needs while supporting the country's reform efforts on its accession path towards membership of the Union.
- (2) Pursuant to Article 39 of Regulation (EU) 2024/792, the Commission should monitor the implementation of the Facility and assess the achievement of its objectives. The monitoring of the implementation of the Facility is to be targeted and proportionate to the activities carried out under the Facility.
- (3) Pursuant to Article 21 of Regulation (EU) 2024/792, the progress made in the implementation of the Ukraine Plan (Pillar I of the Facility) is to be displayed in the form of a scoreboard for the Ukraine Plan ('the Scoreboard').
- (4) The Scoreboard should display in a transparent way information on progress in the implementation of the Ukraine Plan as approved by Council Implementing Decision (EU) 2024/1447³.
- (5) The elements of the Scoreboard should be based solely on: (i) the information included in the Ukraine Plan assessed in accordance with Article 19 of Regulation (EU) 2024/792; (ii) the assessments of the satisfactory fulfilment of qualitative and quantitative steps established in accordance with Article 26 of Regulation (EU) 2024/792; and (iii) disbursements authorised pursuant to Article 26 of Regulation (EU) 2024/792.
- (6) Given that the Scoreboard is to be operational as of 1 January 2025 and in order to allow for the prompt application of the measures provided for in this Regulation, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

² OJ L, 2024/792, 29.2.2024, ELI: <http://data.europa.eu/eli/reg/2024/792/oj>

³ OJ L, 2024/1447, 24.5.2024, ELI: http://data.europa.eu/eli/dec_impl/2024/1447/oj

HAS ADOPTED THIS REGULATION:

Article 1

Elements of the Scoreboard for the Ukraine Plan

The Scoreboard shall include the following elements to display the progress in the implementation of the Ukraine Plan:

- (a) the fulfilment of steps, reflecting the implementation of the reforms and investments set out in Implementing Decision (EU) 2024/1447⁴, by listing the steps that have been satisfactorily fulfilled, in total and broken down by reforms and investments, indicating their number, and displaying the percentage over the total number of steps set out in Implementing Decision (EU) 2024/1447;
- (b) progress with the disbursement of the non-repayable financial support and loans;
- (c) components of disbursed funds;
- (d) references to the assessments;
- (e) progress in implementing the Ukraine Plan by chapters of that Plan;
- (f) cross-reference to the list of persons and entities receiving funding exceeding the equivalent of EUR 100 000 cumulatively over the period of four years for the implementation of reforms and investments specified in the Ukraine Plan, as published by Ukraine in accordance with Article 27(1) of Regulation (EU) 2024/792.

Article 2

Entry into force

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29.11.2024

For the Commission
The President
Ursula VON DER LEYEN

⁴ OJ L, 2024/1447, 24.5.2024, ELI: http://data.europa.eu/eli/dec_impl/2024/1447/oj