

8 February 2023

## **Positive preliminary assessment of the satisfactory fulfilment of milestones and targets related to the second payment request submitted by Slovakia on 25 October 2022, transmitted to the Economic and Financial Committee by the European Commission**

### **Executive summary**

In accordance with Article 24(2) of Regulation (EU) 2021/241, on 25 October 2022, Slovakia submitted a request for payment for the second instalment of the non-repayable support. The payment request was accompanied by the required management declaration and summary of audits.

To support its payment request, Slovakia provided due justification of the satisfactory fulfilment of the 16 milestones and targets of the second instalment of the non-repayable support, as set out in Section 2(1)(1.2) of the Council Implementing Decision of 13 July 2021 on the approval of the assessment of the recovery and resilience plan for Slovakia<sup>1</sup>.

For one target covering a large number of recipients, in addition to the summary documents and official listings provided by Slovakia, Commission services have assessed a statistically significant sample of individual files. The sample size has been uniformly set at 60 which corresponds to a confidence level of 95% or above in all cases

In its payment request, Slovakia has confirmed that measures related to previously satisfactorily fulfilled milestones and targets have not been reversed. The Commission does not have evidence of the contrary.

Upon receipt of the payment request, the Commission has assessed on a preliminary basis the satisfactory fulfilment of the relevant milestones and targets. Based on the information provided by Slovakia, the Commission has made a positive preliminary assessment of the satisfactory fulfilment of all 16 milestones and targets.

The milestones and targets positively assessed as part of this payment request demonstrate significant steps in the implementation of Slovakia's Recovery and Resilience Plan. They notably confirm the reform momentum in key policy areas. This includes a reform of the management of construction and demolition waste to support circular economy, a system for periodic evaluation of scientific performance, and a reform strengthening the coordinating role of the new governance structure for research, development and innovation. Moreover, reforms increasing the size of Slovakia's labour force by attracting and retaining talented workers through a new accelerated visa scheme, a simplified regime for obtaining citizenship, and a broader recognition of foreign qualifications have been implemented. In the area of healthcare and social care, reforms were introduced to optimise the networks of hospitals and primary care providers, facilitate the planning of investment and consolidate the supervision of social care. Slovakia has also implemented reforms that simplify and accelerate public procurement procedures, while ensuring proper safeguards, and strengthen police capacity in the fight against corruption and money laundering. Furthermore, the achievement of milestones and targets confirm progress towards the completion of investment

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<sup>1</sup> ST 10156/21; ST 10156/21 COR1; ST 10156/21 ADD 1 not yet published.

projects related to the green transition, namely the selection of projects in support of nature conservation and biodiversity, as well as in the areas of education and digitalisation, by establishing a manual on the ‘debarrierisation’ of schools, a support scheme for research and development of digital solutions, and by completing a pilot project to improve the digital skills of senior and disadvantaged persons.

By the transmission of this positive preliminary assessment and in accordance with Article 24(4) of Regulation (EU) 2021/241, the Commission asks for the opinion of the Economic and Financial Committee on the satisfactory fulfilment of the relevant milestones and targets.

<b>Non-repayable support .....</b>	<b>3</b>
<b>C2.R3.M8 - Reform of the management of construction and demolition waste.....</b>	<b>3</b>
<b>C5.I1.T7 - Adapting regions to climate change, focusing on nature conservation and biodiversity development .....</b>	<b>8</b>
<b>C6.I1.M14 - Removing barriers of school buildings .....</b>	<b>12</b>
<b>C8.R2.M3 - Reform of introduction of a system for periodic evaluation of scientific performance</b>	<b>15</b>
<b>C9.R1.M1 - Reform of governance, evaluation and support in science, research and innovation...</b>	<b>18</b>
<b>C10.R1.M1 - Reform of residence and labour legislation.....</b>	<b>22</b>
<b>C10.R1.M2 - Reform of residence and labour legislation.....</b>	<b>24</b>
<b>C10.R2.M3 - Reform of simplification of the regime for the recognition of qualifications and professional qualifications for the exercise of regulated professions .....</b>	<b>25</b>
<b>C11.R1.M1 – Reform of optimization of the hospital network .....</b>	<b>27</b>
<b>C11.R2.M3 – Reform of the preparation of health investment projects.....</b>	<b>29</b>
<b>C11.R5.M7 - Reform of primary care provision for adults, children and youth.....</b>	<b>35</b>
<b>C13.R3.M5 - Reforming the supervision of social care and providing infrastructure for its implementation .....</b>	<b>37</b>
<b>C14.R3.M6 - Public procurement procedures .....</b>	<b>39</b>
<b>C16.R1.M1 – Reform on making the fight against corruption and anti-money laundering more effective .....</b>	<b>47</b>
<b>C17.I4.M13 - Support for projects aiming at the development and application of top digital technologies .....</b>	<b>50</b>
<b>C17.I7.T21 - Improving the digital skills of seniors and the distribution of Senior Tablets .....</b>	<b>52</b>

## Non-repayable support

<b>Number:</b> C2.M8	<b>C2.R3.M8</b> - Reform of the management of construction and demolition waste	
<b>Name of the Milestone:</b> The amendment to Waste Act		
<b>Qualitative Indicator:</b> Entry into force of the legislative amendment to the Waste Act		<b>Time:</b> Q2 2022
<p><b>Context:</b></p> <p>The objective of this reform is to improve waste management in the construction and demolition sector, by increasing statutory landfilling fees to reduce disposal and introducing new legislative enablers to ensure that at least 70% of non-hazardous construction and demolition waste is recovered.</p> <p>Milestone C2.M8 concerns the revision of the waste legislative framework for increasing the potential of the circular economy in the construction and demolition of waste, with the aim of assigning the responsibility for waste management to producers, introducing selective demolition process, setting quality standards for recycled construction and demolition waste and simplifying the rules. To this end, the milestone requires the inclusion of mandatory green public procurement for construction investments within the state administration, the increase of statutory fees for the landfilling and the simplification of the rules for the use of construction and demolition waste.</p> <p>Milestone C2.M8 is the only milestone or target of this reform.</p>		
<p><b>Evidence provided:</b></p> <p>In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:</p> <ol style="list-style-type: none"> <li>i. <b>Summary document</b> duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled;</li> <li>ii. <b>Copy of the Act No. 230/2022</b> amending Act No. 79/2015 on Waste published in the Official Journal of 29 June 2022, entered into force on 30 June 2022 (Article 2);</li> <li>iii. <b>Copy of the Act No. 79/2015</b> on Waste as amended by Act No. 230/2022, consolidated version;</li> <li>iv. <b>Copy of the Decree of the Ministry of the Environment No. 344/2022</b> Coll. on Construction and Demolition Waste published in the Official Journal of 25 October 2022;</li> <li>v. <b>Copy of the Government Regulation No. 212/2022</b> laying down the level of the fee rates for the deposit of waste and providing details on the redistribution of revenue from fees for waste disposal published in the Official Journal on 14 June 2022, entered into force on 1 July 2022, amending Government Regulation No. 330/2018;</li> <li>vi. <b>Copy of the Government Regulation No. 330/2018</b> as amended by Government Regulation No. 212/2022, consolidated version;</li> <li>vii. <b>Copy of the Government Resolution No. 541/2022</b> of 31 August 2022 on the obligation to apply green public procurement instruments in public procurement procedures for the construction or reconstruction of civil works published on 6 September 2022, entered into force on 1 October 2022;</li> <li>viii. <b>Copy of the Government Resolution No. 260/2022</b> of 6 April 2022 mandating the government authorities to use green public procurement in Recovery and Resilience Facility financed construction works;</li> </ol>		

- ix. **Copy of the consolidated version of Act No. 368/2021** on the Recovery and Resilience Facility and amending certain acts published in the Official Journal of 19 June 2022, entered into force on 1 July 2022;
- x. **Copy of the Government Resolution No. 784/2021** of 22 December 2021 approving the System for the Implementation of the Recovery and Resilience Plan.

The authorities also provided:

- xi. **Copy of the Explanatory Memorandum** to the amendment to the Act No. 79/2015;
- xii. **Copy of the Explanatory Memorandum** to the Slovak Government Resolution No. 541/2022;
- xiii. **Copy of the Methodological Guidance** to Green Public Procurement;
- xiv. **Copy of the Act No. 50/1976** on Town and Country Planning and Building Codes (Construction Act);
- xv. **Copy of the Act No. 343/2015** on Public Procurement and amending certain acts;
- xvi. **Copy of the System for the Implementation of the Recovery and Resilience Plan**, including Annex 3.1.2-4 Methodological guidance to buildings (the version 1.1 entered into force on 1 October 2022).

#### **Analysis:**

The justification and supporting evidence provided by Slovakia cover all constitutive elements of the milestone. In particular:

The constitutive elements of the milestone, in line with the Council Implementing Decision (CID), are addressed by Act No. 79/2015 on Waste amended by Act No. 230/2022 (hereinafter referred to as 'the amended Act No. 79/2015') published in the Official Journal of 29 June 2022 and which entered into force on 30 June 2022 (Article 2 of Act No. 230/2022), and by Government Resolution No. 541/2022 of 31 August 2022, in force as of 1 October 2022 (Article B1), Government Regulation No. 212/2022 amending Government Regulation No. 330/2018, published in the Official Journal of 14 June 2022 in force as of 1 July 2022 (Article 2) and Act No. 368/2021 on the Recovery and Resilience Facility (RRF) published in the Official Journal of 19 June 2022, which entered into force on 1 July 2022 (Article 8).

The amended Act No. 79/2015 increases preparedness for attaining the 70% recycling target for construction and demolition waste (hereafter referred to as the '70% target'). It does so through the following key measures: i) mandating the responsibility for achieving the target to waste producers (Section 77(3) (a)), ii) introducing a selective demolition process (Section 77(1)(b)), iii) specifying quality standards for recycled construction and demolition waste (Section 77(1)(n) and iv) simplifying rules (Section 77(3)(d-f)).

**1) The amended Act No. 79/2015 shall increase the potential of the circular economy in the construction and demolition waste and construction sector, leading to at least 70% of the non-hazardous construction and demolition waste to be recycled and reused.**

While construction and demolition waste represents the most significant waste stream and is included among the priority areas of the EU Circular Economy Action Plan, the Slovak Republic has been lagging behind the EU average for the recycling of construction waste. In order to increase the circular economy potential by higher reuse and recycling of materials through the recovery of at least 70% of the total amount of non-hazardous construction and demolition waste, in line with the CID, the amended Act No. 79/2015 establishes the new requirement on the selective demolition to ensure high quality of selective removal of materials and the establishment of sorting systems as well as by delegating the responsibility to waste producers in a proportionate way to target buildings with the highest recycling potential. In addition to the 70% general target, according to the description of the measure in the CID, compliance with the 70% target is required specifically for renovations and constructions of buildings financed under RRF.

The amended Act No. 79/2015 (Section 77(3)(a)) delegates the responsibility for the 70% target to the waste producer (entity to whom the building permit has been issued), who is required to demonstrate at the time of completing construction works how the waste has been disposed of. Section 77(3)(a) stipulates that: *“The producer of waste referred to in Section 2 shall be responsible for the management of waste under this Act and shall, in addition to the obligations under Section 14(1), be obliged to ensure the recovery and recycling of construction and demolition waste, including backfilling, as a substitute for other materials, at least equal to the mandatory recovery and recycling targets and limits down in Annex 3, Part VI, second point, for constructions above 300m<sup>2</sup>”*. In line with the CID, the amended Act No. 79/2015, to facilitate achieving the 70% target, makes this target mandatory for waste producers responsible for the most part of construction works above 300m<sup>2</sup> targeting large buildings with significant potential for recycling and recovery. Constructions under 300m<sup>2</sup> covering smaller-scale, so called “simple buildings” are governed by the General Binding Regulation of the relevant municipality for the management of the municipal waste in line with the amended Act No. 79/2015. The renovation of these “simple buildings” with less scope for effective recycling (e.g., old insulation materials, roof coverings with asbestos, etc.) constitutes on average only 2% of the total amount of construction waste generated in the Slovak Republic. For the construction and renovation of buildings financed by the Recovery and Resilience Facility, the obligation to achieve the 70% target at the project level is introduced regardless of the type and size of construction and is required by national the Recovery and Resilience Facility legal and implementation framework, as detailed in point 5 below.

**2) The amended Act No. 79/2015 introduces mandatory selective demolition and quality standards for the recycling of construction and demolition waste, improving data collection and simplifying rules.**

The amended Act No. 79/2015 (Section 77(1)(b)) introduces mandatory selective demolition, defined as *“the process by which demolition sequences are determined to allow separation and sorting of removed construction materials and construction waste”*. The procedure ensures that the main reusable materials and waste streams are collected separately, ensuring that waste is primarily recovered and disposed of only where necessary. The amended Act No. 79/2015 extends the scope and establishes the obligations for the management of construction and demolition waste in the Section 77(3) (a-c) of the Act, which require that i) construction and demolition waste shall preferably be materially recovered and the output of recycling carried out at the place of production shall be used as a priority for their activities, where technical, economic and organisational conditions permit and that ii) the producer of the waste carry out selective demolition by the procedures laid down by the Implementing Regulation so as to ensure maximum reuse and recycling. The Implementing Regulation (Section 77(3)(b) of the Act) adopted as Decree No. 344/2022 on construction and demolition waste, published in the Official Journal of 25 October 2022, sets out further details on the selective demolition process by specifying the management of removed construction materials, construction waste and waste from demolitions; minimum scope of contract terms; and specific requirements for by-products.

The amended Act No. 79/2015 (Section 77(1)(n-o)) requires demonstration of the requirements for recycled construction and demolition waste, which is laid down in the Implementing Regulation. It specifies type of documents (a declaration of performance; SK declaration of performance; or optional certificate) and process to demonstrate that the requirements for recycled and demolition waste have been met for the operation of stationary and mobile facilities for the recovery of construction and demolition waste.

The amended Act No. 79/2015 establishes provisions to improve the data collection system and to simplify rules. Section 77(3)(d-f) of the amended Act No. 79/2015 introduces obligations to make it easier to document how waste from any construction is managed. The proposed obligation is to ensure that the producer of construction and demolition waste has either a direct contractual relationship or, at least, reliable information about the entity that will handle the construction or demolition waste from a building for which a building permit, a permit for the disposal of a building or other permit under the Construction Act No. 50/1976 has been issued. The obligation to have a contractual relationship is linked to the actual start of the construction activity and is proposed also for natural persons who will be carrying out their construction activities. In addition to streamline the process, Annex 8b to the amended Act No. 79/2015 establishes *“a list of items, which do not require agreement by state waste management authorities that a substance is considered to be a by-product and not a waste”* as mandated by Section 97(1)(o) of the same Act. The following entries have been added and are considered to be the by-products: i) uncontaminated soil and other naturally occurring material excavated during construction works, ii) removed asphalt mixture and iii) construction materials removed. All listed items need to comply with the requirements on the selective demolition process (Section 1-2) and specific requirements for by-products (Section 4-6) as laid down in Decree No. 344/2022.

**3) Introducing mandatory green public procurement for construction investments within the state administration.**

The CID requires the introduction of mandatory green public procurement for construction investments within the state administration. This obligation was introduced by Government Resolution No. 541/2022 of 31 August 2022, in force as of 1 October 2022 (Article B.1), according to which central government authorities shall apply green public procurement instruments in public procurement procedures for construction or reconstruction of civil works with values above EUR 30 000 (net of VAT) in line with national and EU legislation. Construction or reconstruction works below EUR 30 000 are not subject to this obligation. Whilst this constitutes a minimal substantive deviation from the requirements of the CID, construction work below EUR 30 000 concerns small-scale minor renovations not generating significant volume of waste and used only in cases to remedy sudden emergency situations or prevent damages, which often need to be carried out within a short period of time. The urgency nature of this renovation does not allow the application of green public procurement and is limited in scope, while not risking the achievement of the 70% target. To facilitate applications and use of good practices developed at EU and national level, the Ministry of Environment adopted Methodological guidance to green public procurement. Therefore, this minimal deviation does not change the nature of the measure and does not affect the progress towards achieving the reforms that milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled. Prior to the adoption of Government Resolution No. 541/2022 and in order to start early application of the green public procurement in investments financed by the Recovery and Resilience Facility, the government had also adopted Government Resolution No. 260/2022 of 6 April 2022, which mandates the government authorities to ensure that construction works in the state administration financed by the Recovery and Resilience Facility are contracted with the use of green public procurement. Both Resolutions are based on Act No. 343/2015 on public procurement (Section 2(5)(f)), which defines the environmental aspect in public procurement.

**4) Increasing statutory fees for landfilling.**

This constitutive element is fulfilled by the adoption of the Government Regulation No. 212/2022 amending Government Regulation No. 330/2018, published in the Official Journal of 14 June 2022 in force as of 1 July 2022 (Article 2). It regulates fees for the deposit of

construction and demolition waste in landfilling, in order to discourage waste landfilling and promote reuse and recycling instead. The Government Regulation requires a gradual increase in the fees for the different types of waste listed in the its Annex (items 1-3) to a level of between EUR 8 to EUR 35, namely: i-ii) excavated soil and aggregates: the landfilling fees (for inert and non-hazardous waste) are increased from EUR 7/t to EUR 8/t from 1 July 2022, to EUR 10/t in 2023, and to EUR 15/t from 2024, iii) construction waste: the landfilling fees are increased from EUR 8/t to EUR 25/t from 1 July 2022, to EUR 30/t in 2023, and EUR 35/t as of 2024.

**5) Ensuring DNSH compliance with the requirement of the 70% recycling target and reusing of non-hazardous demolition and construction waste to apply to renovation and construction of buildings financed under the Recovery and Resilience Facility (RRF).**

This constitutive element is fulfilled through two legislative frameworks in a complementary way. Firstly, by the amended Act No. 79/2015, which mandates the responsibility for achieving the compliance with the '70% target' to the waste producers for constructions above 300m<sup>2</sup>. Secondly, by the national RRF regulatory and implementation framework, which sets the same requirement at project/site level, per each building regardless of the size and type of buildings. The RRF legislative framework, composed of i) the RRF Act and ii) the RRF implementation framework with Annexes, stipulates the following requirements:

- Act No. 368/2021 on the Recovery and Resilient Facility published in the Official Journal of 19 June 2022, which entered into force on 1 July 2022 (Article 8) establishes that the Government approves the system for implementing the recovery plan (Section 3(b)) and that where the implementing body carries out the investment, the latter is obliged to use the resources of the Plan in accordance with this Act, special regulations and the system for implementing the recovery plan (Section 5).
- The implementation system of the Recovery and Resilient Facility, as adopted by the Government Resolution No. 784/2021 of 22 December 2021, defines what constitutes "significant harm" to the six environmental objectives (point 2.6) and establishes the process of how it shall apply, namely *"the contracting authority must further assess, in the process of preparing the call or direct invitation, the specific activities resulting from the measure. If necessary, the implementing body shall lay down in the funding agreement an obligation on the beneficiary to ensure compliance with the DNSH principle"*. It further specifies that *"mandatory conditions for investments connected with the construction or renovation of buildings in the Recovery Plan are set out in Annex 3.1.2-4 to the RRF implementation system"*. Annex 3.1.2-4 is the methodological guidance for buildings, which requires that *"In accordance with the waste hierarchy and the EU Construction and Demolition Waste Management Protocol, building construction or renovation entities shall ensure that at least 70% (by weight) of non-hazardous construction and demolition waste (excluding naturally occurring material listed in category 17 05 04 in the European List of Waste by decision 2000/532/EC) produced on the construction side is prepared for reuse, recycling and further material recovery, including backfilling operations using waste to replace other materials by at least 70% of the project"*. The methodological guideline for buildings also applies the use of selective demolition process (point 1.5.4 and 1.5.5).

**Commission Preliminary Assessment:** Satisfactorily fulfilled

<b>Number:</b> C5.T7	<b>C5.I1.T7</b> - Adapting regions to climate change, focusing on nature conservation and biodiversity development
<b>Name of the Target:</b> List of selected projects for the regions of Muránska Planina and Polonina	

<b>Qualitative Indicator:</b> Number of lists (2)	<b>Time:</b> Q2 2022
<p><b>Context:</b></p> <p>The objective of this investment is to ensure a long-term sustainable contribution of ecosystems to climate change adaptation and mitigation (flood mitigation, drought prevention) by protecting ecosystems.</p> <p>Target C5.T7 requires the selection of two lists of projects for the regions of Muránska Planina and Polonina. Overall, it is linked to the reform of nature conservation in the countryside and revitalisation of national parks, including Muránska Planina and Polonina parks, and seeks to develop soft tourism in the two regions. The selection of the projects is done through a Steering Committee, in accordance with the DNSH principle, and on the basis of an open discussion with relevant local actors.</p> <p>Target C5.T7 is the first step of the implementation of if the investment and it will be followed by targets C5.T3, C5.T4, C5.T5 and C5.T6, related to the rehabilitation of watercourses (C5.T3 and C5.T4) and property settlement with private landowners (C5.T5 and C5.T6). The investment has a final expected date for implementation in Q2 2026.</p>	
<p><b>Evidence provided:</b></p> <p>In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:</p> <ul style="list-style-type: none"> <li>i. <b>Document 1: Cover note describing</b> the investment and the target, its objectives, and summarising the selection process;</li> <li>ii. <b>Annex 1: Official documentation published for the call for applications</b> for development projects for the transformation of <b>the Muránska Planina</b>;</li> <li>iii. <b>Annex 2: Official documentation published for the call for applications</b> for development projects for the transformation of <b>the Polonina</b>;</li> <li>iv. <b>Annex 3 and Annex 4:</b> Amendments to the respective calls, extending the calls;</li> <li>v. <b>Annex 5:</b> Summary of a Q&amp;A seminar with stakeholders organized in anticipation of the call;</li> <li>vi. <b>Annex 6:</b> Notice on the selection of expert examiners in charge of evaluating the project proposals;</li> <li>vii. <b>Annex 7: Final list of projects for both Muránska Planina and Polonina national parks</b>, published on 8 November on the website of the Slovak Ministry of the Environment<sup>2</sup>. The list also includes a separate category for projects which are placed in reserve;</li> <li>viii. <b>Annex 8: Summary document</b> duly justifying how the target (including all the constitutive elements) was satisfactorily fulfilled, including involvement of relevant local actors;</li> </ul> <p>The authorities also provided supplementary evidence:</p> <ul style="list-style-type: none"> <li>ix. <b>Document 9:</b> Detailed handbook for applicants, including DNSH checklists for applicants;</li> <li>x. <b>Document 10 and 11:</b> Statutes of the Steering Board for Muránska Planina and Steering Board of Polonina.</li> <li>xi. <b>Supplementary information</b> via email correspondence ((ARES(2022)8131499).</li> </ul>	
<p><b>Analysis:</b></p> <p>The justification and substantiating evidence provided by the Slovak authorities cover all constitutive elements of the target. In particular:</p> <p><b>1) The Steering Board shall select projects for two regions of Muránska Planina and Polonina</b></p> <p>As explained by the authorities in the summary document duly justifying the process of how the target was satisfactorily fulfilled (Summary Document (Annex 8), page 2), the objective of the target is to transform the economic model of the Muránska Planina and Polonina regions</p>	

<sup>2</sup> <https://www.minzp.sk/poo/np-muranska-poloniny/>



from relying on the intensive use of natural resources towards a more sustainable alternative based on soft tourism, with higher added value, while reinforcing ecosystem services, water retention in the countryside and biodiversity protection. Additionally, based on the nature of the projects on the list of selected projects and the information from the cover note, the projects are aimed at creating employment opportunities, particularly in the ecotourism sector, close-to-nature forest management and follow-up activities (Document 1, page 1).

The Council Implementing Decision requires that a Steering Board to select projects for two regions of Muránska Planina and Polonina. However, according to the Cover note (Document 1, page 2), the summary document (Annex 8, pages 1 and 2), and supplementary information provided by correspondence, the evaluation and selection of the projects was carried out by independent experts on the basis of a points-based assessment methodology. On the other hand, Steering Boards were composed of various stakeholders from each region and provided a purely advisory function to provide a non-binding opinion on whether the selected projects comply with SK national strategies, thus wielding no authority to influence the selection.

As shown in the email correspondence, the Ministry of Environment was concerned about potential conflicts of interest with respect to the presence in the Steering Boards of local stakeholders, particularly local officials who might seek to benefit from funding under the RRF grants. This is because most local stakeholders interested in being on the Steering Board were already part of some organisation submitting projects to benefit from RRF funding under this milestone (e.g., mayors of some villages in the two regions). Email correspondence shows that the Ministry of Environment sought to cure this issue by proactively reaching out to other local leaders to take part in the Boards, yet they did not manage to find a suitable number of Board members to replace existing members at risk of being in conflict of interest. Against this backdrop, Slovakia decided to entrust the evaluation to independent experts rather than risk possible conflict of interests in the Steering Boards.

Whilst this constitutes a minimal formal deviation from the requirement of the Council Implementing Decision, the Ministry of Environment made the choice to avoid serious concerns of conflict of interest, thus this deviation is justified and did not affect the achievement of the objective of the target.

According to the supplementary information from email correspondence and the summary note (Annex 8, page 2), evaluators could apply for an open call (attached in Annex 6) that the Ministry of Environment had published in order to create a list of independent evaluators with sufficient years of experience. The Ministry then assigned evaluators to each project by random selection. The expert evaluators (per project) had to provide a “self-declaration” on the absence of conflict of interest and took part in a training on methodological guidelines for the calls.

Before the signature of the final list of projects by the Minister, Steering Boards were convened in order to voice their opinion about projects. Documents 10 and 11 show that as per Article 4.6 of the calls (Annex 1 and Annex 2), their opinion were to identify whether a “*project is in line with the region’s transformational objectives (e.g., with the existing development strategies)*” of the two regions. As shown by the supplementary information provided as email correspondence, Steering Boards’ secretary communicated the Boards’ opinions to the State Secretary and the Minister. However, since the project selection took place exclusively through independent evaluation and assigned points were decisive, the final list of projects was selected solely based on the evaluation of the independent expert

evaluators and was signed by the State Secretary, officially representing the Minister of Environment at the time. Subsequently, the final list of projects was sent to the coordinating authority (NICA) and published on the website of the Ministry. Lastly, notices about the fulfilment of the conditions were sent to those applicants whose projects shall be financed under the Recovery and Resilience Plan.

Therefore, the Steering Board did not contribute to the final stage of project selection. This minimal deviation does not affect the progress towards achieving the investment that the target represents, and it was carried out to prevent serious concerns such as the potential conflict of interests of some members of the Steering Board. On this basis, it is considered that this constitutive element of the target is satisfactorily fulfilled.

Turning to the selection procedure and the criteria utilised by independent experts, pages 1 and 2 of the summary document (Annex 8) drafted by the Ministry of Environment describe the selection process. All applicants had to fulfil clear administrative and eligibility criteria. Independent experts selected projects based on the fulfilment of three criteria: creating jobs or supporting job creation, technical feasibility/project readiness, and effectiveness of use of public funds. The projects were then ordered based on the averages of their score up to the available allocation for each call.

In line with the Operational Arrangements, Slovakia provided the official notices of the calls (open from 14 April 2022 until on 8 July 2022) published on the website of the Ministry of Environment, one document for each region (Annex 4-5) as well as a handbook for applicants to facilitate the fulfilment of the application (Document 9). Moreover, in chapters 2 and 3 of each notice (Annex 1 and Annex 2), the notices clearly state the available allocation, eligibility criteria, rules of procedure, deadlines, and other prerequisites necessary for the submission of an eligible application. Amendments to the notices with a clear justification were also provided and clearly posted on the above-mentioned website.

During the selection process, projects were selected based on the fulfilment of three criteria as stipulated in the cover note (Document 1, page 2) and summary document (Annex 8, page 2) with different scores reflecting on main objectives of the calls: creating jobs or supporting job creation (the highest weighting of the evaluation, 50%), technical feasibility/project readiness (35% weighting), and effectiveness of use of public funds (15% weighting). The application of the DNSH principle is an exclusion criterion for any applicants not complying with the principle (see below under DNSH). The projects were then ordered based on the averages of their score up to the available allocation for each call.

In line with the Council Implementing Decision, Slovakia provided the final list of selected projects for both the Polonina and Muránska Planina regions. The final list of the projects selected by the independent experts was officially endorsed the Ministry of Environment on 12 October 2022. It also includes the eligible projects for which there was no available funding, thus creating a pipeline of reserve projects that could be financed in the future through other funding sources.

The selection resulted in 13 projects for the Polonina region (17 projects in reserve), and 15 projects for the Muránska Planina (14 projects in reserve) that were selected in a transparent manner by the panel of independent experts. The Polonina region list contains projects such as environmental education programmes in the village of Nova Sedlica, pottery crafts in Snina, a museum of Rusyn culture in the premises of Stakčín castle. The Muránska Planina list includes projects such as the support for eco-tourism in the region, revitalisation of Coburg

Park in Pohorelá Maša, educational trail in the city of Tisovec, and the reconstruction of castle Muráň.

**2) The selection of projects is done in accordance with the DNSH principle**

The CID requires that the DNSH principle is respected in the selection of the projects. The official notices of the calls for tender made reference to the DNSH principle and clearly stated it as an eligibility criterion of the tender. If the expert evaluator assesses based on information from applicants that the project cannot be implemented in line with DNSH principle, the project is excluded from the procedure (Annexes 4-5, page 7). The DNSH principle is also thoroughly explained in the handbook for applicants (Document 9) with clear references to the Technical Guidance on the application of the DNSH principle under the Mechanism Regulation (2021/C58/01)<sup>3</sup>. The handbook for the two calls directly required applicants to perform a DNSH self-assessment. To facilitate the self-assessment process, the handbook includes a number of checklists, including for areas with identified corrective measures to comply with DNSH principle (in line with DNSH ex ante assessment for RRP) such as buildings up/renovation of buildings, cycling-paths, etc.).

**3) The selection of projects is done on the basis of an open discussion with relevant local actors.**

The cover note (Document 1, page 3) and the Statutes of the Steering Boards of Muránska Planina and Polonina (Documents 10 and 11, Article 2(1) of each Statute) show that representatives of municipalities, non-profit organisations, non-profit-making groups, representatives of the Muránska Planina and Polonina National Parks Administrations, district representatives, and tourism organisations were the members of the respective Steering Boards. Based on the supplementary information, the Chair of each Steering Board convened a meeting of each Board after the closure of the respective calls and the members voted on their opinions for various selected projects.

As discussed in the sections above, the Steering Boards became advisory bodies with no executive power over the adopted lists due to concerns over potential conflicts of interest of the members. Thus, they scrutinized the selected projects and oversaw whether the projects were in line with regional strategies (Documents 10 and 11, Article 2(1) of each Statute). However, due to conflicts of interest on the Boards, the ultimate signatory was the Ministry of the Environment and the Steering Boards acted as an advisory safeguard.

Turning to other means of consulting stakeholders, prior to the launch of calls, intensive discussion took place with local actors to understand their challenges and needs in order to design suitable schemes. Slovakia provided a summary of meetings with stakeholders and interested parties (Annex 6) and outlined the process on page 2 of the summary document (Annex 8).

As noted on page 2 summary document (Annex 8), workshops for applicants took place in two rounds, with first round of workshops organised on 4-5 May 2022 in cities of the regions of Polonina and the Muránska Planina, while the second round of workshops was organised on 24-25 May 2022 also in the cities of the regions of Polonina and the Muránska Planina.

Based on the summary document page 2, the workshops in question detailed the calls themselves and the conditions for granting the RRF funding, the principle of 'do no significant

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<sup>3</sup> <https://www.minzp.sk/files/poo/poloniny/priloha-c-4-prirucka-ziadateľa-prilohami.pdf>

harm', the evaluation criteria, the terms and conditions of the award procedure, the general terms and conditions of the contract. Following these workshops, FAQs from these workshops were also answered, as well as the questions that were not answered directly by the Implementing Officer at the workshops. This Q&A was included in Annex 5.

Taken together, the obligation to keep the process inclusive and informative for representatives from the local community had been ensured in line with the Council Implementing Decision.

**Commission Preliminary Assessment: Satisfactorily fulfilled**

<b>Number:</b> C6.M14	<b>C6.I1.M14</b> - Removing barriers of school buildings	
<b>Name of the Milestone:</b> Introduction of the definition of 'debarrierisation' standard, creation of a 'debarrierisation' manual and mapping of school needs at all levels of education		
<b>Qualitative Indicator:</b> Approval by the Ministry of Education of 'debarrierisation' standards, 'debarrierisation' manual and publication of the results of the mapping of needs on the website of the Ministry of Education	<b>Time:</b> Q1 2022	
<p><b>Context:</b></p> <p>The objective of this investment is to help selected schools to remove physical, informational and technological barriers from their environment to enable children, pupils and students with health disadvantages to carry out their school education in a pleasant environment that meets their real needs.</p> <p>Milestone C6.M14 requires defining the 'debarrierisation' standards by means of a manual on how to remove barriers in school buildings according to the principle of universal design. This also entails mapping of the 'debarrierisation' school needs at all levels of education.</p> <p>Milestone C6.M14 is the first step of the implementation of the investment, and it will be followed by target C6.T15 related to the removal of the architectural barriers in 252 large secondary schools. The investment has a final expected date for implementation in Q2 2025.</p>		
<p><b>Evidence provided:</b></p> <p>In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:</p> <ol style="list-style-type: none"> <li>i. <b>Summary document</b> duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled;</li> <li>ii. <b>Copy of the 'Manual for removing the barriers in schools'</b> as approved by the Minister of Education, Science, Research and Sport of the Slovak Republic and published on 1 August 2022 on the ministerial website. The manual includes the 'debarrierisation' standards;</li> <li>iii. <b>Copy of the results of mapping of the 'debarrierisation' needs with the prioritisation of the schools</b>, as published on the ministerial website on 14 April 2022.</li> </ol> <p>The authorities also provided:</p> <ol style="list-style-type: none"> <li>iv. <b>Copy of the letter of the Secretary of State of the Ministry of Education, Science, Research and Sports of the Slovak Republic</b> appointing Mrs. Lenka Gajzlerová, Ph.D. from the Research Institute of Inclusive Education in Brno as a member of the expert group working on the 'debarrierisation' of schools in the context of RRP;</li> <li>v. <b>List of members of the expert group on 'debarrierisation' of schools;</b></li> <li>vi. <b>Copy of the letter of the Minister of Education, Science, Research and Sport of the Slovak Republic</b> to the National Implementation and Coordination Authority for the Recovery and</li> </ol>		

Resilience Plan in the Slovak Government Office transmitting the final version of the cover note for the milestone in question together with the underlying documents.

**Analysis:**

The justification and substantiating evidence provided by the Slovak authorities cover all constitutive elements of the milestone. In particular:

- 1) The 'Manual for removing the barriers in schools' (hereinafter referred to as 'manual') defines 'debarrierisation' standards to meet the real needs of children, pupils and students with health disadvantages and to respect the principle of universal design.**

The manual provides the standards for removing the barriers in school buildings. Although there is no one definition of standards, the manual is sufficiently detailed when it comes to the particular barriers to be removed in the school buildings.

The manual focuses on providing standards for the architectural and spatial barriers in chapter 14.3, and 16 (for example, ramp is recommended at a height of less than 500 mm, vertical platform at a height of more than 500 mm, and at a height of more than 2 000 mm it is necessary to install a lift; see chapter 14.3 p. 27 of manual in EN translation). These technical standards for accessibility, accompanied by the graphic section (chapter 16), were developed on the basis of a variety of sources, ranging from UN human rights documents, ISO standards, national legislation and academic publications (as listed in chapter 15) in order to be fully in line with the principle of the universal design, meaning that the environment is accessible and user-friendly on an equal basis for all persons. The standards introduced in the manual are innovative in Slovakia, and as indicated in the theoretical part of the manual, they are to become the basis for appropriate amendments to the relevant legislation (chapter 4).

The special standards are very often combined with technological ones that are targeted at overcoming the barriers for various type of impairment, for example, the acoustic information about the floor number in the elevators (Chapter 16.9) and digital text displays for the transcription of the spoken word (Chapter 16.12).

The manual provides also for basic information and communication standards to overcome the barriers for all types of children (such as standards for printed materials) and for visual impaired children (such as the necessity to prepare the study materials, information, labels in Braille and the existence of audio recordings with an informative value) (see chapter 14.4).

The manual also prioritises the barriers to be removed to reflect the real needs of children (Chapter 7.6 Basic stages of the 'debarrierisation' of the school environment in terms of levels of education). This has been done based on the results of the mapping of 'debarrierisation' school needs (see point 4) of 'Analysis' below). Since the pupils with reduced mobility experience difficulty in accessing the premises in 78.26 % of schools (Chapter 1 of the mapping), the manual suggests starting with removing the barriers targeted at this group and progressively create an accessible environment for full accessibility (Chapter 7.6).

- 2) The manual is based on a holistic approach that ensures full participation in school life (defining standards that create an inclusive space throughout the school and do not only focus on removing the biggest barriers for instance, in school entrances)**

In line with the principle of universal design, the manual sets the standards that respond to the needs of children with different health disadvantages. The manual provides for good standards for accessible spaces for pupils with reduced mobility, such as entrance to the buildings (Chapter 16.2), ramps (Chapter 16.3), elevators (Chapter 16.7) and toilets (Chapter 16.11). In addition, the standards for visually impaired pupils, such as pupils typographic

(touching) plans, road finding systems, and surface marking are included in the manual and described namely in Chapter 16, as follows:

- artificial guidelines, tactile indicators, signal navigation strips in the exterior and interior (Chapter 16.2, 16.3, 16.7)
- colour contrasts to facilitate the orientation of the visually impaired (Chapter 16.4, 16.6 and 16.7)
- embossed information boards on the walls with Braille lettering, embossed elevator buttons with Braille lettering (Chapter 16.7, 16.8, 16.9, 16.10, 16.11)
- acoustic information about the floor number in the elevators (Chapter 16.9).

Similarly, the manual provides for standards for pupils with hearing disabilities, namely:

- portable induction loops at information desks (Chapter 16.7, 16.12, 16.14)
- auxiliary listening systems in classrooms (induction loops, FM systems, infrared systems) (Chapter 16.12)
- digital text displays for transcription of the spoken word (Chapter 16.12)
- The manual also mentions the need to establish relaxation spaces in classrooms that can be used by pupils with autism spectrum disorders (Chapter 16.12 classroom)

The manual defines the standards that would create an inclusive space throughout the school and do not only focus on removing the biggest barriers (such as at school entrances). There are spatial standards provided for classrooms (Chapter 16.2), canteens (Chapter 16.3) libraries (Chapter 16.14) and accommodations (Chapter 16.15).

**3) In addition to spatial standards (that is, technical specification for construction works), the manual also defines standards for the ‘debarrierisation’ of school buildings (such as the cooperation of the school with experts and the community)**

The manual provides the following standards: i) for directors or founders who apply for the support in ‘debarrierisation’ regarding, for instance, the steps to be taken prior and during the investment (chapter 14.1), ii) standards for the supply and technical equipment (chapter 14.2), iii) standards for the schools’ cooperation with teachers, the community and other stakeholders (chapter 14.7). Here the standards focus on expert support in the preparation and implementation of the project. As regards the involvement of the community, the manual only indicates the area of their involvement. In this chapter, the manual describes the criteria for selecting these organizations, entities and experts with which the school will cooperate.

**4) The Ministry of Education together with the Institute for Research on Inclusive Education in Brno have prepared an analysis of the state of play of ‘debarrierisation’ in schools in relation to the established standards and based on this, shall prioritise individual schools for ‘debarrierisation’**

In accordance with the description of the milestone, the Ministry of Education together with the Institute for Research on Inclusive Education in Brno has prepared a state of play of the current alignment of schools with the standards of accessibility in the form of mapping of needs. The Ministry of Education with the support of the external experts representing, *inter alia*, the Institute for Research on Inclusive Education in Brno (see the evidence No. 5), prepared the analysis on the basis of a questionnaire sent to the pre-primary, primary and secondary schools. Given the magnitude of the needs for the ‘debarrierisation’, the Ministry of Education provides for two criteria to prioritise schools in ‘debarrierrisation’ process (chapter 2 of the Mapping):

- A vertical criterion that categorizes the barriers in the individual schools, starting from the ‘barriers to the building and parking’ and ending with ‘all barriers in both indoor and

outdoor spaces and creating an inclusive environment according to the principles of universal design/design’.

- A horizontal criterion that refers to the number of schools in the district, number of children with disabilities and the share of children with disabilities out of the total number of pupils.

**Commission Preliminary Assessment:** Satisfactorily fulfilled

<b>Number:</b> C8.M3	<b>C8.R2.M3</b> - Reform of introduction of a system for periodic evaluation of scientific performance	
<b>Name of the Milestone:</b> Definition of the system of periodic evaluation of scientific performance introduced in the Law No. 172/2005		
<b>Qualitative Indicator:</b> Entry into force of the amendment to the Law No. 172/2005 introducing the evaluation of scientific performance and methodology for periodic scientific performance evaluation		<b>Time:</b> Q1 2022
<p><b>Context:</b></p> <p>The objective of this reform is to improve the quality of Slovak universities and of public research institutions by introducing a periodic evaluation of their scientific performance of universities. The rules of the evaluation set out are inspired by the British assessment framework. The evaluation will be conducted predominantly by foreign researchers to ensure independence of this process.</p> <p>Milestone C8.M3 requires the entry into force of the relevant provisions of the Law No. 172/2005 on the organisation of state support for research and development. The relevant provision concerns the definition of the system of periodic evaluation of scientific performance of universities, with the aim of establishing a one-size-fits-all evaluation for all universities, as well as Slovak Academy of Science, other non-business and private research institutions.</p> <p>Milestone C8.M3 is the first step of the implementation of the reform, and it will be followed by target C8.T4, related to the performance of 20 evaluations on all public universities. The reform has a final expected date for implementation in Q4 2022.</p>		
<p><b>Evidence provided:</b></p> <p>In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:</p> <ol style="list-style-type: none"> <li>i. <b>Summary document</b> duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled;</li> <li>ii. <b>Copy of the Law No. 172/2005</b> on the organisation of state support for research and development and amending Act No. 575/2001 on the organisation of government activities and the organisation of central state administration, as amended (hereinafter referred to as “Law No. 172/2005”), published in the Official Journal, year 2022 and in force from 25 April 2022.</li> </ol> <p>The authorities also provided:</p> <ol style="list-style-type: none"> <li>iii. <b>Copy of the Regulation of the Ministry of Education, Science, Research and Sport of the Slovak Republic No. 36/2022</b> on the periodic evaluation of research, development, artistic and other creative activities’ that entered into force on 2 May 2022;</li> <li>iv. <b>Copy of the Order of the Minister of Education, Science, Research and Sport of the Slovak Republic No. 38/2022</b> on setting up the evaluating committees that entered into force on 10 May 2022;</li> <li>v. <b>Copy of the Order of the Minister of Education, Science, Research and Sport of the Slovak</b></li> </ol>		

- Republic No. 52/2022** amending the Order No. 38/2022 that entered into force on 30 August 2022;
- vi. **Copy of the Order of the Minister of Education, Science, Research and Sport of the Slovak Republic No. 39/2022** on establishing a Council for the Periodic Evaluation of Research with annexes that entered into force on 10 May 2022;
- vii. **Copy of the Order of the Minister of Education, Science, Research and Sport of the Slovak Republic No. 53/2022** amending the Order No. 39/2022, that entered into force on 23 August 2022;
- viii. **Copy of the document that includes the composition of evaluation committees** that contains the names, places of work and nationalities of the members;
- ix. **Copy of the documents on appointing/dismissing the members of working group** that worked on the evaluation methodology;
- x. **Copy of the Addendum No. 27/2021 to the Organisational Rules of the Ministry of Education, Science, Research and Sport of the Slovak Republic** that entered into force on 1 August 2021.

**Analysis:**

The justification and substantiating evidence provided by the Slovak authorities cover all constitutive elements of the milestone. In particular:

- 1) The definition of the system of periodic evaluation of the scientific performance of universities that ensures the diversification of universities with regard to the quality of their scientific performance in individual fields and the identification of excellent research teams in individual universities.**

The system for periodic evaluation of scientific performance is set on the basis of the newly introduced paragraph 26aa that was introduced to the Law No. 172/2005 on the organisation of state support (hereinafter referred to as “Law No. 172/2005”). According to this paragraph, the system for periodic evaluation of scientific performance is defined as a system whereby each public higher education institution and public research institution will undergo, every six years, an assessment of their research activities in each field.

In line with paragraph 26aa (1), the purpose of this periodic evaluations is fourfold:

- to identify excellent research teams in the universities and public research institutions,
- to allow the Ministry of Education to breakdown allocation of grants between public higher education institutions and public research institutions,
- to feed in the assessment of eligibility to apply for dedicated research and development (R&D) support,
- to make a quality assessment of the standards for the research, development or artistic activity.

The periodic evaluation will result in quality profiles of the assessed research area (Article 11 (3) of the Regulation No. 36/2022), which will allow for the diversification of universities and their research fields according to the 5 following categories: 1) world level, 2) significant international level, 3) international level, 4) national level, 5) not included (Article 11(5) thereof).

- 2) The periodic evaluation is carried out with the participation of international evaluators**

According to paragraph 26aa (5) of the Law No. 172/2005 the periodic evaluation is to be conducted by the dedicated committees that have been set up by virtue of the ministerial Order No. 38/2022. The composition, method of selection and appointment of the members of the committees are defined in Annex 3 thereof. Paragraph 26aa (7) of the Law No. 172/2005 defines that at least two thirds of the members of the evaluation committees are



internationally recognised foreign experts. The final composition of the committees, provided by the Slovak authorities as part of this payment request in the document No. 8 (see above), has confirmed that the foreign researchers make up a significant proportion of the committees' members (161 out of 165 evaluators represent countries other than Slovakia and Czechia). The composition of the committees is published on the ministerial website<sup>4</sup>.

**3) The evaluation is a one-size-fits-all evaluation for universities, but also for other research institutions (SAV, other non-business and private research institutions).**

Paragraph 26aa(2) of Law No. 172/2005 provides that the periodic evaluation applies to all public higher education institutions and public research institutions, while holders of a certificate of competence (such as SAV, non-business and private research institutions) may undergo the periodic evaluation on a voluntary basis. In case of requesting such periodic evaluation, the same legal text indicates that the rules applicable to universities are also applicable to private research institutions. Considering that Paragraph 26aa(2) establishes that the same evaluation applies to all higher education institutions, public research institutions, as well as to private research institutions, it is concluded that the periodic evaluation described by Law No. 172/2005 is a one-size-fits-all evaluation.

In addition to the milestone description, the reform covers the following measure requirements:

**4) The Ministry has prepared the methodology for assessing scientific performance in cooperation with the stakeholders, and it was introduced into the legal system**

As stated in the paragraph 26aa (4), the periodic evaluation is carried out on the basis of criteria and methodology. In line with the description of the reform in the CID, the methodology was developed by a working group that consists of experts representing the Ministry of Education, the Slovak Academy of Science and the academics (see the document No. 9 of the section "evidence provided"). The assessment methodology and its procedure are described in the article 11 of the Regulation No 36/2022 on the periodic evaluation of research, development, artistic and other creative activities (see the document No. 3 of the section 'Evidence provided'). The criteria for the evaluation of outputs are set out in the article 10 thereof.

**5) The performance evaluation shall be organized by the Ministry, either directly or through an autonomous institution, so that the assessment is based on the principles of independence and transparency.**

Pursuant to paragraph 26aa (6) of the Law No. 172/2005 the performance evaluation is organised by the Ministry of Education through the Project Evaluation Committee and the Sectoral Evaluation Committee. Based on Article 1, paragraph 3 of the Addendum to the Organisational Rules of the Ministry of Education (see the document 10 of the section 'Evidence provided'), the dedicated staff of the ministry is reorganised to ensure the implementation of reforms in line with the Recovery and Resilience Plan in the field of higher education.

In order to ensure the impartiality of the process of selecting members of the evaluation committees, the Council for Periodic Evaluation was established on the basis of Ministerial Order No. 39/2022 (see document No. 6 of the section 'evidence provided'). According to the article 4 thereof, the members of this Council are the domestic or international experts with significant scientific achievements of a world or international recognised quality level. The tasks of the Council are described in article 2 of the order No. 39/2022 which mandates to it

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<sup>4</sup> Accessible here: <https://www.minedu.sk/data/att/24380.pdf>.

the assessment of the merits of the candidates for the evaluation committee and subsequently the submission of applications for nomination to the minister. The Council also considers requests for conflicts of interest of committee members and complaints about breaches of ethical principles of them (article 2 (3) thereof).

In the interests of transparency and allowing for external control of the independence of evaluators, a list of the members of the committees is available on the ministerial website, together with their place of work and nationality (see the document No. 8 of the section 'Evidence provided').

The functional independence of the evaluators has been safeguarded. Although being appointed by the Ministry of Education, they can be dismissed only in limited, justified cases, such as conflict of interest or failure to act as a committee member (Article 1 of the Order No. 52/2022 – see the document No. 5 of the section 'Evidence provided').

For the sake of transparency, the Ministry of Education publishes the opinion of the evaluation committee on each research area on its website. This opinion will be valid for six years and cannot be challenged (paragraph 26aa (8) of the Law No. 172/2005).

**6) The evaluation shall be based on high quality assessment systems from abroad, with the British Research Excellence Framework (REF) as the main inspiration and using specific parametric settings adapted to the situation of the Slovak institutions to assess the quality of output within the field.**

The evaluation is based on high quality assessment systems from abroad with the British Research Excellence Framework (REF) as the main inspiration.

Similarities with the REF is a peer-review evaluation where independent expert committees assess the content and quality of outputs on the basis of their experience and expertise and not only quantitative metrics, such as the number of quotes) (Art. 11 of the Regulation No. 38/2022). The result of the evaluation process is a quality profile of the assessed field of science. The main difference from the British system that served as an inspiration for this reform is that in the Slovak case almost all of evaluators come from abroad.

**Commission Preliminary Assessment:** Satisfactorily fulfilled

<b>Number:</b> C9.M1	<b>C9.R1.M1</b> - Reform of governance, evaluation and support in science, research and innovation	
<b>Name of the Milestone:</b> Reform of the governance and support for research, development and innovation		
<b>Qualitative Indicator:</b> Entry into force of the amendment to Law 172/2005		<b>Time:</b> Q1 2022
<p><b>Context:</b> The objective of this reform is to enhance the research, development and innovation (RDI) structure, as well as strengthen and professionalise inter-ministerial coordination of RDI policies by creating a new overarching governance structure at the Government Office, composed of the Government Council for Science, Technology and Innovation (STI) and the Secretariat created under the Government Office.</p> <p>Milestone C9.M1 concerns the amendment to Act No. 172/2005 on the organisation of state support for Research and Development for strengthening the coordinating role of the new governance structure for research, development, and innovation, as well as establishing its responsibilities and</p>		

processes to enable more effective and consistent strategic and methodological coordination of public interventions.

Milestone C9.M1 is the first step of the implementation of the reform, and it will be followed by milestone C9.M2, related to the adoption of the National RDI Strategy as the main strategic and methodological tool to define objectives, priorities and measures, as well as principles of good governance, efficiency and evaluation. The Strategy will include the adoption of the binding methodology to facilitate evaluation processes. The reform has a final expected date for implementation in Q3 2022.

**Evidence provided:**

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

- i. **Summary document** duly justifying how the milestone (including all constitutive elements) was satisfactorily fulfilled;
- ii. **Copy of the Act No. 172/2005** on the organisation of State support for Research and Development amended by Act No. 137/2022, version of the amendment published in the Official Journal of 22 April 2022, entered into force on 25 April 2022 (Article 7);
- iii. **Copy of the Act No. 137/2022** amending Act No. 131/2002 on higher education institutions published in the Official Journal of 22 April 2022, entered into force on 25 April 2022 (Article 7);
- iv. **Copy of the Act No. 575/2001** on the organisation of government activities and the organisation of central state administration amended by Act No. 137/2022, version of the amendment published in the Official Journal of 22 April 2022, entered into force on 25 April 2022 (Article 7 of the Act 137/2022);
- v. **Copy of the Government Resolution No. 460/2022** on statute of the Government Council on research, technology and innovation adopted on 13 July 2022;
- vi. **Copy of the Amendment to the organisational rules of the Government Office** setting up the research, development and innovation section (serving as the RDI Secretariat) in the organisational structure of the Government Office adopted on 30 September 2021.

The authorities also provided:

- vii. **Copy of the Explanatory Memorandum to the amendment to Act No. 172/2005** on the organisation of state support for research and development (general and specific parts);
- viii. **Copy of the Statute of the Government Council on Science, Technology and Innovation** adopted on 13 July 2022;
- ix. **Copy of the Organigram of the Government Office of the Slovak Republic;**
- x. **Copy of the Graphical structure of the Research, Development and Innovation Management model;**
- xi. **Copy of the Study on Principles for Grant Support for Research, Development and Innovation** published by the Value for Money Unit of the Ministry of Finance of the Slovak Republic in August 2022.

**Analysis:**

The justification and substantiating evidence provided by the Slovak authorities cover all constitutive elements of the milestone. In particular, in line with the CID, the amendment to Act No. 172/2005 on the organisation of State support for Research and Development (hereinafter referred as "Act No. 172/2005") amended by Act 137/2022 on higher education institutions was published in the Official Journal of 22 April 2022 and entered into force on 25 April 2022 (Article 7). This amendment to Act No. 172/2005 responds to the fragmented RDI coordination by transferring the responsibility for its overarching coordination to the Government Office and by creating a new governance structure for research, development, and innovation. The relevant constitutive elements of the CID are addressed as follows:

**1) Strengthening the coordination role of the new governance structure for research, development, and innovation (such as defining the role of the Slovak Government's Council for Science, Technology and Innovation and its Secretariat placed under the Government Office).**

The reform responded to a situation where strategic coordination of RDI system, and its various actors was lacking in the Slovak Republic. At the same time, support for RDI has been very fragmented and subject to different rules, which reduces predictability, transparency and user-friendliness of competitive RDI funding. The objective of the reform implemented by the amendment to Act No. 172/2005 is to bring strong elements of cross-sectoral and methodological coordination by setting up processes and rules to boost the Slovak RDI performance. To achieve this, the amended Act No. 172/2005 creates the new coordination structure and responsibilities at the Government Office composed of the Government Council for Science, Technology and Innovation (STI) and the Secretariat.

The amended Act No. 172/2005 transfers coordination competences for RDI, set previously only at the level of individual ministries to above-ministerial level to the Government Office, under the steer of Prime Minister. This is to overcome the fragmentation in RDI policy coordination, and to ensure more consistency in financing, evaluation processes and implementation of measures. Prior to that, the Government Office had no competencies for the RDI coordination. The amended Act No. 172/2005 (new paragraph 9a) defines main competencies and establishes that the Government Office coordinates strategically and methodologically: i) policy making on funding, management and evaluation of RDI support (paragraph 9a (a)), ii) preparation of a preliminary funding plan for RDI support for the following three calendar years (paragraph 9a (b)) and, iii) development of binding methodology for the management, financing and evaluation of RDI support (hereinafter referred to as 'binding methodology') (paragraph 9a (c)). Paragraph 9a of the Act establishes the new RDI Section at the Government Office (amendment of the organisational rules of the Government Office adopted on 30 September 2021) acting as the Secretariat, which is an executive body of the Government Council for STI and is headed by the Chief Innovation Officer. The other competencies of the Secretariat are governed and detailed by the Statute of Government Council for STI adopted by Government Resolution No. 460/2022 on statute of the Government Council on research, technology and innovation of 13 July 2022. They comprise (paragraph 8) preparation, monitoring, evaluation and communication of the National Strategy through annual reports on its implementation; preparing and supervising the implementation of a 'binding methodology'; creation and updates of the RDI expert evaluators database; assessing consistency of investment RDI schemes with strategic documents and monitoring and evaluation of the schemes; and analytical and methodological support for meeting of the Government Council and working groups.

The amended Act No. 172/2005 (paragraph 9b) sets up the role and enhances responsibilities of the Government Council for Science Technology and Innovation previously defined only in the Statute. To reflect good practices from abroad, it is now required that members of the Government Council also include experts with experiences from RDI (paragraph 9b (1)). The amended Act specifies that the Head of the Council is the Prime Minister, a position which was previously held by the Deputy Prime Minister, and the Board consists of relevant ministers and internationally recognised experts in RDI. The selection of expert members of the Government Council is organised by an independent selection board composed of experts from Slovakia (outside RDI) and from abroad. In addition to the advisory role to the government, the Government Council's approval power has increased (paragraph 9b (2-3)). The Government Council now approves a preliminary funding plan for RDI and 'binding methodology'. It discusses national strategy and its implementation and other strategic

documents and support schemes (paragraph 9b (2-3)). Other competencies, functioning and composition of the Government Council and expert working groups are detailed in the Statute (paragraph 2). It includes monitoring and analysis of RDI policy; coordination of individual sectors and organisations in RDI area; issuing of opinions on draft national strategy; monitoring reports and an annual report on the national strategy, the Code of Research Integrity and Ethics as well as views on EU financed strategic documents such as operational programmes under the Cohesion Policy and RDI components under the Recovery and Resilience Plan.

In order to anchor the position of the Secretariat more strongly, the amended Act 575/2001 (paragraph 24(5)) on the Organisation of Government Activities published in the Official Journal of 22 April 2022, in force as of 25 April 2022 establishes the new competence of the Government Office to perform strategic and methodological coordination in the area of research and innovation, which was not recognised before.

**2) Regulating different types of public support to ensure coordination and consistency of public interventions.**

Coordination and consistency of RDI public intervention will be improved by applying a strategic planning, more coherent set of rules for management and evaluation and more predictable and transparent financing plan. In line with the CID, the amended Act 172/2015 creates preconditions for stronger coordination and consistency of different types of public interventions financed by various sources of funding by introducing the following new instruments: i) the National RDI Strategy as the main strategic document setting up objectives, priorities and the principles of good governance and efficiency in the field of RDI to apply to all public interventions. The Strategy is the essential binding document for the preparation of related strategic and conceptual documents for state RDI policies (paragraphs 1, 5(1-2), ii) the 'binding methodology' for the management, financing and evaluation of RDI support to cover all types of RDI interventions (paragraphs 9 (a-c), 2(b). This will bring a standardised approach to calls, greater professionalism and transparency in the evaluation process and harmonisation of implementation conditions.; and iii) the provisional financial plan for RDI support for the following 3 calendar years (paragraphs 9a(b), 9b(2a)) to include all sources of RDI funding. In addition, the Act extends the scope of funding used by the Agency for the Promotion of Research and Development (APVV) from the state budget to other funding sources including EU funds (paragraph 12(1-3)).

**3) Allowing for the gradual integration of processes and expert evaluation of RD projects, the simplification and standardisation of RD project evaluation processes by agencies.**

In line with the CID, the amended Act 172/2005 defines and standardises evaluation processes, in particular a new assessment by international expert panels and establishes that evaluation processes apply to all types of funding, even if governed by other agencies:

- At the level of the Agency for the Promotion of Research and Development (APVV), it i) introduces evaluation processes to apply to all forms of financial support (state budget and EU funding) (paragraph 12 (3)); ii) new composition of the Agency Board to increase the representation of internationally recognised foreign RDI experts from 1 to 3 (paragraph 15(6)). The Agency Board functions as an expert body to assess and approve applications for funding.; iii) creation of international expert panels with recognised experts (paragraph 15(12)); and (iv) the possibility to submit applications in English to enable assessment by foreign experts (paragraph 15(12)).
- It modifies the evaluation of projects (paragraph 19) as follows: i) an assessment using international expert panels (paragraph 19a), ii) an assessment using expertise, for projects up to 200 000 EUR (paragraph 19b) and iii) an assessment by an expert based on prior

evaluation by a European RD support scheme or an international RD support scheme (paragraph 19c).

- The use of existing assessments by the European Commission or by other international bodies instead of re-evaluating the same project at the national level contributes to simplification and streamlining of the processes. In addition, the amended Act introduces simplification and streamlining in the evaluation process (paragraph 19c) by including the possibility for a short evaluation, which can be used for projects up to 50 000 EUR (paragraph 20a).

**4) Contributing to the reform based on 5 pillars.**

In line with the CID, the amended Act 172/2005 establishes the framework for addressing the five pillars of the reform, namely: i) “an overarching strategy and coordination”, which is enabled by strengthening the coordination role of the new governance structure (paragraph 9) and by introducing the National RDI Strategy as the key strategic and methodological tool (paragraph 1, 5(1-2)), ii) “setting effective cross-cutting standards for support instruments” is enabled by the requirement to adopt the National RDI Strategy and its measures (paragraph 1, 5(1-2)), as well as by ‘binding methodology’ to define standards across RDI ecosystem to apply to all types of support (paragraphs 9a(c), 9b(2b)), iii) “consolidating grant agencies across ministries and applying the principles of good governance and efficiency” are enabled by establishing new processes firstly at the Agency for the Promotion of Research and Development (paragraph 15) and by gradual integration of evaluation processes through binding methodology, and (iv) “unified system of institutional assessment and institutional RD funding” is enabled by the provision to evaluate research, development or artistic and further creative activities (paragraph 26aa) to apply not only to universities, but also to public research institutions. A single and unified system of institutional assessment allows for an objective comparison and standardisation of performance and will create a basis for institutional funding for universities and public research institutions.

**Commission Preliminary Assessment:** Satisfactorily fulfilled

<b>Number:</b> C10.M1	<b>C10.R1.M1</b> - Reform of residence and labour legislation	
<b>Name of the Milestone:</b> Scheme defining a new category of applicants for national visa		
<b>Qualitative Indicator:</b> Adoption of the scheme through a Government Resolution and entry into force		<b>Time:</b> Q1 2022
<p><b>Context:</b>            The objective of this reform is to attract and retain highly qualified third-country nationals, students and entrepreneurs and their family members by shortening and significantly simplifying the work and residence permit procedures in Slovakia.</p> <p>Milestone C10.M1 concerns the introduction of a new accelerated visa scheme, targeting highly qualified third-country nationals seeking employment, who are exempt from demonstrating that they hold a guaranteed job before entering Slovakia, and allowing them to immediately start working on the basis of a national visa.</p> <p>Milestone C10.M1 is the first step of the implementation of the reform and is accompanied by C10.M2 in this payment request, related to the introduction of a simplified regime for obtaining citizenship for foreigners with family ties in Slovakia. The reform had a final expected date for implementation in Q1 2022.</p>		

**Evidence provided:**

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

- i. **Summary document** duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
- ii. **Copy of the Government Resolution No. 771 of 14 December 2021** on the draft Regulation of the Government of the Slovak Republic on the interest of the Slovak Republic to issue a national visa to highly qualified third-country nationals.
- iii. **Copy of the Regulation No. 521/2021 of the Government of the Slovak Republic** on the interest of the Slovak Republic to issue a national visa to highly qualified third-country nationals, published on 28 December 2021 in the Official Journal.

**Analysis:**

Regulation No. 521/2021 (hereinafter referred to as “Regulation”) entered into force on 1 April 2022. It is valid until the end 2022 and will be reviewed every year as regards the list of targeted universities and research institutions to be taken into account to establish the persons eligible for visa. The justification and substantiating evidence provided by the Slovak authorities cover all constitutive elements of the milestone. In particular:

**1) The measure concerns highly qualified third-country nationals, defined as follows: i) graduates of the world’s leading universities, third-level graduates of the world’s leading universities and research institutions (regardless of the study field); ii) other selected workers in line with specific national economic interests:**

- Paragraph 1(1b) and Annex 1 of the Regulation lists world-leading universities and research institutions, as set out in the Times Higher Education (THE), the Academic Ranking of World Universities (ARWU) and Quacquarelli Symonds (QS). It includes universities placed in the first 500 places of at least one of these references, as published in the year preceding the year of the Regulation’s application;
- Paragraph 1(1)(c) and Annex 2 of the Regulation refers to third-country nationals who are higher education graduates and who will be employed by an employer in the Slovak Republic and lists the following professions with high-added value for the economy for which they may be employed: managers, high-added value IT professions, high-added value health professions, scientists and researchers and other technical specialists.

**2) The persons are exempted from the requirement to demonstrate that they have a guaranteed job before entering Slovakia.**

Section 1(4) of the Regulation sets out that a national visa is issued under a “fast track scheme for national visa” to a third-country national for the purpose of seeking employment for a period of 90 days, in line with the Act No. 404/2011 on the residence of aliens. By corroborating Section 1(4) of the Regulation and Article 20 of Act No. 404/2011, the national visa to be issued for a third-country national without demonstration of a secured job before entering Slovakia.

**3) The persons have the possibility to immediately start working on the basis of a national visa.**

Section 1(4) (b) of the Regulation sets out that a third-country national can work as soon as a national visa for the purpose of employment is issued, with a period of validity of no more than one year. If a third-country national found a job before arriving in Slovakia, she/he can apply directly for a national visa for the purpose of employment. In this case, when applying for a national visa, the third-country national must prove that she/he has secured employment by means of an employment contract or a written undertaking by the employer to be recruited. If the third-country national is offered employment while she/he is already established in Slovakia, she/he will be entitled to apply for a national visa for the purpose of

employment.

**4) Compatibility with the Blue Card (Directive 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment).**

The scheme adopted is complementary to the Blue Card: As referred to in point 2) above, the scheme offers the possibility of entry to Slovakia for the purpose of seeking employment, a situation which is not covered by the Blue Card. There is also no need for a labour market test as a condition for the issue of a national visa for the purpose of employment, unlike a Blue Card. Once they have found a job, highly qualified third-country national can apply for a Blue Card.

The scheme is compatible with the Blue Card, but with stricter conditions: National visas offer a more limited set of rights than the Blue Card, for example in terms of family reunification and mobility between Member States. National visas are also currently more restrictive in terms of required higher education qualifications, not considering equivalent knowledge, skills and competences attested by several required years of relevant professional experience as under Article 26 of Directive 2021/1883.

Directive 2021/1883 is not yet transposed in Slovak Law (deadline for transposition is set on 18 November 2023).

**Commission Preliminary Assessment: Satisfactorily fulfilled**

<b>Number:</b> C10.M2	<b>C10.R1.M2</b> - Reform of residence and labour legislation
<b>Name of the Milestone:</b> Facilitating return to the country and making the country more attractive to foreigners with family ties	
<b>Qualitative Indicator:</b> Adoption by the Parliament and entry into force	<b>Time:</b> Q1 2022
<b>Context:</b> The objective of this reform is to attract and retain highly qualified third-country nationals, students and entrepreneurs and their family members, by shortening and significantly simplifying the work and residence permit procedures in Slovakia.  Milestone C10.M2 concerns the amendment to the Act on Slovak citizenship by the introduction of a simplified regime for obtaining citizenship to facilitate the return to the country and increase the country's attractiveness for foreigners with family ties.  Milestone C10.M2 is the second and last milestone or target of the reform and is accompanied by C10.M1 in this payment request, related to the introduction of introducing a new accelerated visa scheme that targets highly qualified third-country nationals seeking employment.	
<b>Evidence provided:</b> In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided: <ol style="list-style-type: none"><li>i. <b>Summary document</b> duly justifying how the target (including all the constitutive elements) was satisfactorily fulfilled.</li><li>ii. <b>Copy of the Act No. 72/2022</b> amending Slovak National Council Act No. 40/1993 on citizenship of the Slovak Republic that was published in the Official Journal on 16 March 2022.</li><li>iii. <b>Copy of the Act No. 40/1993</b> on the citizenship of the Slovak Republic was published on 15</li></ol>	



February 1993 in the Official Journal and entered into force on 5 July 1997.

**Analysis:**

The justification and substantiating evidence provided by the Slovak authorities cover all constitutive elements of the milestone. In line with the CID description of the milestone. **The Act No. 72/2022** (hereinafter referred to as the “The Act”) amending Slovak National Council Act No. 40/1993 on citizenship of the Slovak Republic entered into force on 1 April 2022. The Act introduces new provisions as regards foreigners with family ties to Slovakia. In particular:

**1) Pursuant to Section 7(2)(j) of the Act, the foreigners with family ties are defined as the persons who have lost the Slovak nationality at their own request, as well as the persons who are not nationals of the Slovak Republic but have at least one of the parents or (great-) grandparents who are Czech citizens born in Slovakia.**

**2) The Act introduces a simplified regime for obtaining citizenship to facilitate the return to the country of these persons, and increase the country’s attractiveness for them:**

Section 7(2)(j) of the Act establishes a simplified regime to acquire Slovak citizenship for eligible persons by abolishing the condition of a three-year residence in the Slovak Republic prior to the submission of an application for obtaining citizenship, to facilitate the return of these persons to Slovakia.

Additionally, Section 7(1)(h) of the Act sets out a waiver regarding the Slovak language requirement for the applicants:

- who are citizens of the Czech Republic because of the proximity of languages;
- who have at least one of the parents or (great-)grandparents of Czech nationality and born in Slovakia; or
- who hold a valid certificate proving the status of a person with Slovak ascendance living abroad;
- who passed the Slovak-language baccalaureate in the last ten years, who passed a national language examination in Slovak, or finalised a Slovak-language University programme;
- who are over 65 years of age.

Furthermore, in line with Section 7(7) and (8) of the Act, the persons who lost Slovak nationality by acquiring foreign nationality between 17 July 2020 and 31 March 2022 can recover the Slovakian citizenship without fulfilling the conditions required under the standard procedure.

**Commission Preliminary Assessment:** Satisfactorily fulfilled

**Number:** C10.M3

**C10.R2.M3** - Reform of simplification of the regime for the recognition of qualifications and professional qualifications for the exercise of regulated professions

**Name of the Milestone:** Simplification of the recognition of educational and professional qualifications

**Qualitative Indicator:** Adoption by the Parliament and entry into force

**Time:** Q1 2022

**Context:**

The objective of this reform is to simplify the recognition of educational qualifications of foreign workers, in order to facilitate their establishment in Slovakia, and contribute to Slovakia’s economic development.

Milestone C10.M3 requires that the recognition of evidence of training documents and professional qualifications delivered by other countries is simplified and accelerated.

Milestone C10.M3 is the only milestone or target of this reform.

**Evidence provided:**

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided. In particular:

- i. **Summary document** duly justifying how the target (including all the constitutive elements) was satisfactorily fulfilled;
- ii. **Copy of the Act No. 422/2015** on the recognition of qualifications and the recognition of professional qualifications and amending certain acts came into force on 22 December 2015.
- iii. **Copy of the Act No. 176/2022** amending Act No. 422/2015 on the recognition of qualifications and the recognition of professional qualifications and amending certain acts was published in the Official Journal on 24 May 2022.
- iv. **Copy of the Act No. 578/2004** on healthcare providers, health workers and professional organisations in the health sector and amending certain acts; was published in the Official Journal on 1 November 2004.
- v. **Copy of the Act No. 67/2022** amending Act No. 578/2004 on healthcare providers, health workers and professional organisations in the health sector and amending certain acts was published in the Official Journal on 11 March.
- vi. **Copy of the Act No. 92/2022** on certain other measures in relation to the situation in Ukraine was published in the Official Journal and entered into force on 30 March 2022.

**Analysis:**

The justification and substantiating evidence provided by the Slovak authorities cover all constitutive elements of the milestone, in line with the CID description of the milestone. In particular:

- 1) **The Act No. 176/2022 amending Act No. 422/2015 on the recognition of qualifications and the recognition of professional qualifications and amending certain acts, which entered into force on 1 June 2022, facilitates the recognition by the national Centre of Recognition and Qualifications of diplomas and training documents for countries with which Slovakia has bilateral agreements, as well as for countries outside the European Higher Education Area (EHEA) without a bilateral agreement. The amendment provides for the reduction of the required documents to be submitted for the recognition of evidence of training documents and professional qualifications, as follows:**

Section 29(3)(b) provides that the application for recognition of diplomas issued in a third country does not need to be accompanied by a certificate attesting that the issuing educational establishment is entitled to provide the education certified by the respective diploma. This provision applies to all countries, irrespective of whether they have a bilateral agreement with Slovakia or not.

Section 39(2) enables the Ministry of Education to decide on the recognition of a level of education based on a university degree, a certificate of state examinations and evidence of awarded academic degrees, issued by a recognised educational institution of the State for the purpose of continuing their studies. The condition that only a recognised educational institution within the European Higher Education Area (EHEA) is to be dealt with (as referred to in the CID) has been removed during the negotiation of the amendment.

- 2) **The Act No. 67/2022 amending Act No. 578/2004 on healthcare providers, health workers and professional organisations in the health sector and amending certain acts entered into force on 15 March 2022. It contains specific measures to attract highly qualified health professionals (including doctors and dentists) from other countries. Specifically, it strengthens the capacity of the national Centre for Recognition of Educational Recognition by shortening the time limit for the recognition of training documents for highly qualified health professionals. It also extends the temporary traineeship for doctors beyond the COVID-19 pandemic, as follows:**

Section 36 (1)(a) of the Act shortens the previous three-month limit for the recognition of training documents listed in Annex 3 to the Healthcare Providers Act, to a period of 30 days after receiving complete application for recognition, Section 37 (2) removes the obligation to attach certified translations of the documents listed in Annex three;

Section 36 (1)(b)(c)(d) of the Act sets out that the time limit for specialisation certificates not listed in Annex 3 to the Act on healthcare providers, issued by the competent authorities under the laws of the EU Member States, is reduced from the previous three-months limit to a period of two months of receipt of the complete application for recognition. Similarly, the recognition of diplomas issued by the competent authorities under the laws of third countries is reduced from four months to two months;

Section 30a(1) of the Act extends the temporary professional traineeship for doctors beyond the period of the COVID-19 crisis. The traineeship introduced during the pandemic allowed third-country nationals who are in the process of recognition of their qualification to take care of patients in the hospital under the supervision of a doctor.

**Commission Preliminary Assessment: Satisfactorily fulfilled**

<b>Number:</b> C11.M1	<b>C11.R1.M1</b> – Reform of optimization of the hospital network	
<b>Name of the Milestone:</b> Introduction of the hospital network		
<b>Qualitative Indicator:</b> Legislative amendment enters into force		<b>Time:</b> Q1 2022
<p><b>Context:</b>  This objective of this reform is to improve the quality and efficiency of inpatient healthcare through the definition of typology and the hierarchy of inpatient care (referring to different types of care provision with different criteria), as well as the definition of minimum conditions for the provision of medical services. To this end, a set of compulsory requirements are defined for each level of the five levels of the hierarchy of inpatient care providers and the providers must comply with the required services according to their level.</p> <p>Milestone C11.M1 requires the optimisation of the hospital network by defining the hierarchy of inpatient care providers on five levels (types) through amendments to the relevant laws and related legal acts.</p> <p>Milestone C11.M1 is the first step of the implementation of the reform, and it will be followed by target C11.T2, related to the requirement for hospitals and health insurance companies to comply with the newly defined rules. The reform has a final expected date for implementation in Q4 2025.</p>		
<p><b>Evidence provided:</b>  In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:</p> <ol style="list-style-type: none"> <li>i. <b>Summary document</b> duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled;</li> <li>ii. <b>Copy of Act No. 540/2021</b> amending Act No. 576/2004 on health care, Act No. 577/2004 on the scope of healthcare covered by public health insurance, Act No. 578/2004 on healthcare providers, Act No. 579/2004 on ambulance services and Act No. 581/2004 on health insurance companies, version of the amendment published in in the Official Journal on 30 December 2021, the relevant provisions entered into force the on 1 January 2022 (Article</li> </ol>		

- 10);
- iii. **Copy of Act No. 576/2004** on health care, published in the Official Journal on 1 November 2004, amended by Act No. 540/2021;
  - iv. **Copy of Act No. 577/2004** on the scope of healthcare covered by public health insurance, published in the Official Journal on 1 November 2004, amended by Act No. 540/2021;
  - v. **Copy of Act No. 578/2004** on healthcare providers, published in the Official Journal on 1 November 2004, amended by Act No. 540/2021;
  - vi. **Copy of Act No. 579/2004** on ambulance services, published in the Official Journal on 1 November 2004, amended by Act No. 540/2021;
  - vii. **Copy of Act No. 581/2004** on health insurance companies, published in the Official Journal on 1 November 2004, amended by Act No. 540/2021;
  - viii. **Copy of Decree of the Ministry of Health of the Slovak Republic No. 316/2022** of 12 September 2022 on the categorisation of institutional care, published in the Official Journal on 27 September 2022, entered into force on 30 September 2022 (Section 6).

**Analysis:**

The justification and substantiating evidence provided by the Slovak authorities cover all constitutive elements of the milestone. In particular:

- 1) **The Act No. 540/2021** on health care **introduced the hospital network and defines the hierarchy of inpatient care providers depending on the complexity of the care provided, scope of services and time accessibility.** Sections 7(1 to 6) and 8(2) of Act No. 540/2021 introduce the **hierarchy of inpatient care providers**, defining five levels of hospitals including for each level the **time accessibility criteria**:

Level V: A national level hospital provides high specialized care, such as heart transplantation, at one unique site in Slovakia. Care provision should fulfil the following time accessibility criteria: i) max 300 minutes to reach the hospital for max 90% of insured people and max 120 minutes for min 1.5% of insured people ii) 5 million insured people in the covered area.

Level IV: End-level hospitals provide specialised care, such as cardiac surgery, and cancer treatments. Care provision should fulfil the following time accessibility criteria is defined: i) max 90 minutes to reach the hospital for min 90% of insured people and max 350 minutes for max 1.5% of insured people ii) between 1.4 and 2 million insured people in the covered area.

Level III: Comprehensive level hospitals provide acute and planned care, such as treatments of sudden strokes or severe injuries. Care provision should fulfil the following criteria: i) a max 60 minutes to reach the hospital for min 90% of insured people and max 90 minutes for max 1.5% of insured people ii) between 450000 and 900000 insured people in the covered area.

Level II: Regional level hospitals provide standard acute and planned care, such as basic surgical procedures, or midwife care. Care provision should fulfil the following time accessibility criteria: i) max 30 minutes to reach the hospital for min 90% of insured people and max 45 minutes for max 1.5% of insured people ii) between 100000 and 220000 insured people in the covered catchment area.

Level I: Community level hospitals provide emergency outpatient care (as a transfer post to a high-level hospital) and rehabilitation care but do not provide acute bed care. As stated in Section 10(7) "Level I hospital is not included in the network; this is not the case if a supplementary programme approved by the Ministry of Health is provided in the hospital", thus constraints of time accessibility are not provided for these hospitals.

The complexity of the care provided and the scope of the services (as explained in Section

2(4) of Act No. 540/2021) can be found in the programme profiles. A programme profile is established by categorising the institutional care for each hospital level and is composed of a list of compulsory programmes, optional programmes and complementary programmes and the hospital levels on which they are provided. Annex 1 of the Decree No. 316/2022 of the Ministry of Health of the Slovak Republic of 12 September 2022 on the categorisation of institutional care lists a table indicating whether a programme is provided for each medical service and each of the five hierarchy levels. In this way, the scope of the service is defined by the included programmes. Annexes 2 to 11 of the same Decree No. 316/2022 provides lists of detailed and specific medical services with corresponding classification, which define the complexity of the care provided.

**Commission Preliminary Assessment:** Satisfactorily fulfilled

<b>Number:</b> C11.M3	<b>C11.R2.M3</b> – Reform of the preparation of health investment projects	
<b>Name of the Milestone:</b> A prioritised investment plan according to the investment evaluation methodology adopted by the Ministry of Health		
<b>Qualitative Indicator:</b> prioritised investment plan published on the website of the Ministry of Health	<b>Time:</b> Q2 2022	
<p><b>Context:</b></p> <p>The objective of the reform is to introduce systematic planning of investments in the healthcare sector. Additionally, the reform aims at introducing a comprehensive investment assessment by preparing a dedicated methodology that includes financial and non-financial criteria.</p> <p>Milestone C11.M3 concerns the adoption of the investment plan that comprises the investments to be financed from the RRF and the EU Structural Funds. The plan should be the starting point for the preparation of the investment projects. Healthcare investments shall be assessed using a dedicated methodology that includes decision-making criteria based on financial, medical but also indirect benefits, including societal and socio-economic benefits.</p> <p>Milestone C11.M3 is the only milestone or target of this reform.</p>		
<p><b>Evidence provided:</b></p> <p>In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:</p> <ol style="list-style-type: none"> <li>i. <b>Summary document</b> duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled;</li> <li>ii. <b>Copy of prioritised list of investment projects for the source of financing: Recovery and Resilience Plan/Action 2022-2027</b> (Part A) accompanied by the list of projects prioritized for implementation, published on the website of the Slovak Ministry of Health at this link <a href="https://www.health.gov.sk/Zdroje?/Sources/dokumenty/mzsr/prioritizacia/Hodnotenie_POO_Webove_Sidlo_bez_OU.pdf">https://www.health.gov.sk/Zdroje?/Sources/dokumenty/mzsr/prioritizacia/Hodnotenie_POO_Webove_Sidlo_bez_OU.pdf</a>;</li> <li>iii. <b>Copy of prioritised list of investment projects for the source of financing: capital expenditure and ESI Funds</b> (Part B), published on 8 June 2022 on the website of the Ministry of Health at this link <a href="https://www.health.gov.sk/Zdroje?/Sources/dokumenty/mzsr/prioritizacia/Hodnotenie_celkom_zdroj_financovania_Komisia_zverejnenie.pdf">https://www.health.gov.sk/Zdroje?/Sources/dokumenty/mzsr/prioritizacia/Hodnotenie_celkom_zdroj_financovania_Komisia_zverejnenie.pdf</a>;</li> <li>iv. <b>Copy of prioritised list of investment projects for sources of financing: capital expenditure and ESI Funds</b> (Part B), identical document to the prioritised list of investment projects for the source of financing: capital expenditure and ESI Funds (Part B), published on 8 June 2022 on</li> </ol>		

- the website of the Ministry of Health, complemented by non-public data, policy objectives and specific objectives for the investments considered for the source of financing Slovakia 2021-2027;
- v. **Copy of Methodological Guidance No. Z078106-2022** on the submission of applications for investment project inclusion a prioritised list, the development of an investment plan and an investment timetable of the Ministry of Health of the Slovak Republic and fully replacing the Methodological Instruction No. Z008230-2022 on the submission of applications for inclusion of an investment project in the prioritisation list and the establishment of an investment schedule of the Ministry of Health of the Slovak Republic, as stated in Article 1(2) and in force from 3 November 2022 (Article 10(6)); published on 3 November 2022 on the website of the Ministry of Health at this link: [https://www.health.gov.sk/Zdroje?/Sources/dokumenty/mzsr/prioritizacia/Methodicky\\_Pokyn\\_Priorizacia\\_Aktualizacia\\_KV.pdf](https://www.health.gov.sk/Zdroje?/Sources/dokumenty/mzsr/prioritizacia/Methodicky_Pokyn_Priorizacia_Aktualizacia_KV.pdf).
  - vi. **Copy of Methodological Guidance No. Z008230-2022** on the submission of applications for inclusion of an investment project in the prioritisation list and the establishment of an investment schedule of the Ministry of Health of the Slovak Republic, fully replaced by Methodological instruction No. Z078106-2022 on the submission of applications for investment project inclusion a prioritised list, the development of an investment plan and an investment timetable of the Ministry of Health of the Slovak Republic; published on 8 March 2022 on the website of the Ministry of Health at this link <https://www.health.gov.sk/?Metodicky-pokyn-prioritizacia>
  - vii. **Copy of Methodological manual and evaluation requirements investment priorities of the Ministry of Health** (Annex C1 to Methodological Instruction No. Z078106-2022), published on 8 March 2022 on the website of the Ministry of Health at this link <https://www.health.gov.sk/?Metodicky-pokyn-prioritizacia>
  - viii. **Copy of supporting document setting out the distribution of projects between buildings, IT and medical technology** (Annex C1A to Methodological Instruction No. Z078106-2022), published on 8 March 2022 on the website of the Ministry of Health at this link <https://www.health.gov.sk/?Metodicky-pokyn-prioritizacia>
  - ix. **Copy of supporting document for the assessment of investments in health technology** (Annex C1B to Methodological Instruction No. Z078106-2022), published on 8 March 2022 on the website of the Ministry of Health at this link <https://www.health.gov.sk/?Metodicky-pokyn-prioritizacia>
  - x. **Copy of supporting document for the assessment of investments in buildings and infrastructure** (Annex C1C to Methodological Instruction No. Z078106-2022), published on 8 March 2022 on the website of the Ministry of Health at this link <https://www.health.gov.sk/?Metodicky-pokyn-prioritizacia>
  - xi. **Copy of application form for the inclusion of an investment in buildings and infrastructure in the prioritisation assessment process** (Annex C2 to Methodological Instruction No. Z078106-2022), published on 8 March 2022 on the website of the Ministry of Health at this link <https://www.health.gov.sk/?Metodicky-pokyn-prioritizacia>
  - xii. **Copy of application form for inclusion of IT and infrastructure investment in the prioritisation evaluation process** (Annex C3 to Methodological Instruction No. Z078106-2022), published on 8 March 2022 on the website of the Ministry of Health at this link <https://www.health.gov.sk/?Metodicky-pokyn-prioritizacia>
  - xiii. **Copy of application form for inclusion of an investment in health technology in the prioritisation assessment process** (Annex C4 to Methodological Instruction No. Z078106-2022), published on 8 March 2022 on the website of the Ministry of Health at this link <https://www.health.gov.sk/?Metodicky-pokyn-prioritizacia>
  - xiv. **Copy of a Government Resolution No. 546/2022 on the adoption of the draft methodology for prioritising demand call projects for hospital construction and reconstruction under RRP**

as published on 2 September 2022 on the following website:  
<https://rokovania.gov.sk/RVL/Material/27591/1%20Tax%20Office>

The authority also provided:

- xv. **Copy of application form for Application form for subordinate organisations applying for the possibility of drawing on capital expenditure from the budget chapter of the Ministry of Health** (Annex C5 to Methodological Instruction No. Z078106-2022), within the meaning of Article 6(4) of the Methodological Instruction No. Z078106-2022, published on 8 March 2022 on the website of the Ministry of Health at this link <https://www.health.gov.sk/?Metodicky-pokyn-prioritizacia>
- xvi. **Copy of the Resolution of the Government of the Slovak Republic No. 636** on the draft general government budget for the period 2023-2025 of the 14 October 2022;
- xvii. **Copy of internal table of the Ministry of Health on the result of the analysis of the project prioritisation methodology for the construction and reconstruction of hospitals** on the basis of which UN Martin and UN Rázsochy projects were identified by government resolution as priority projects for implementation;
- xviii. **Copy of Information of a call for financing large-scale investment projects to support the construction and reconstruction of hospitals** with a view to improving the quality and efficiency of inpatient care, published on the website of the Ministry of Health at this link [https://www.health.gov.sk/Zdroje/?/Sources/plan-obnovy/Vyzva-vystavba-nemocnic/00-Vyzva-na-predkladanie-ZoPPM\\_nemocnice.pdf](https://www.health.gov.sk/Zdroje/?/Sources/plan-obnovy/Vyzva-vystavba-nemocnic/00-Vyzva-na-predkladanie-ZoPPM_nemocnice.pdf);
- xix. **Copy of Indicative timetable for the launch of calls/direct invitations to the Ministry of Health under the Recovery and Resilience Plan** published at this link [https://www.health.gov.sk/Zdroje/?/Sources/plan-obnovy/MZ\\_SR\\_harmonogram\\_vyhlasovania\\_vyziev\\_a\\_priamych\\_vyzvani.pdf](https://www.health.gov.sk/Zdroje/?/Sources/plan-obnovy/MZ_SR_harmonogram_vyhlasovania_vyziev_a_priamych_vyzvani.pdf)

#### Analysis:

The justification and substantiating evidence provided by the Slovak authorities cover all constitutive elements of the milestone. In particular:

- 1) **The plan shall comprise all the investments to be financed from the Recovery and Resilience Plan and the EU Structural Funds and shall start preparing these projects as a matter of priority for implementation (linked to Investments 1, 2 and 3).**

In particular, the Ministry of Health has approved on 1 July 2022 the Investment plan for the healthcare investments, which includes **list of prioritised investment projects that could be considered as financed from the RRF**. It represents the ranking of investment projects with detailed parameters (name of the investment, type of investment, readiness, estimated allocation, score) based on the results/points obtained from the evaluation made according to the methodology approved by the Ministry of Health on 8 March 2022. For all of these selected projects, the potential source of funding is the Recovery and Resilience Facility. This priority list covers all the possible capital investments as stated in the Council Implementing Decision. As stated in the article 1 point 4) of the Methodological Guidance No. Z078106-2022 (see document no 5 of the section "Evidence provided") the priority list does not replace the existing selection processes for the investments financed by the Structural Funds or the Recovery and Resilience Plan. The investment projects financed from the RRF will be chosen through the demand calls announced by the Ministry of Health.

**Projects of the plan shall start to be prepared as a matter of priority for implementation (linked to Investments 1, 2 and 3).**

The Commission considers that there is a clerical error in the text of the Council Implementing Decision as regards the description of milestone C11.M3 and has undertaken the assessment on a revised basis. In such description, it is stated that the projects of the plan shall start to be prepared as a matter of priority for the implementation of investment 1, 2 and 3. However,

investment 1 referred to in the milestone description does not correspond to Investment 1 of Component 11 of the CID, but to an investment related to project preparation and investment management of the Slovak RRF that was not included as such in the Council Implementing Decision. Instead, Investment 1 of Component 11 under the Council Implementing Decision aims at supporting the opening of new primary care practices in underserved areas and is unrelated to the prioritised investment plan referred to in milestone C11.M3. Therefore, the requirement that the plan shall start to be prepared as a matter of priority for the implementation of investment 1 has not been taken into account in the assessment. Against this background the justification and substantiating evidence provided by Slovak authorities cover all constitutive elements of the milestone.

The prioritised investment plan for the RRF investments was supplemented by the following 5 investments to be implemented as a matter of priority:

- Construction of the full fitness out of the Martin University Hospital
- Shell & core construction of a new university hospital in Rázsochy
- Construction and reconstruction of ambulance stations
- Introduction of a unified system for centralisation of management
- Cardiology navigation system

The priority for starting the implementation of investment No. 2 of Component 11, which is about the construction and reconstruction of hospitals. Investment 2 represents the majority of the RRF allocation for this component. The two largest projects (the construction of the St Martin's University Hospital at full fit out<sup>5</sup>, the construction of Rázsochy Hospital in Bratislava at “gross construction” level) have already been selected and work on them has started. These two projects are about to construct 1340 hospital beds which amount to over a half of the target of this investment. Slovakia currently launched “Call for Financing of Large Investment Projects to Support the Construction and Reconstruction of Hospitals to improve the quality and efficiency of inpatient care” with a planned deadline of 31 December 2022 for the submission of applications. (See the document No xix.: *Indicative timetable for the launch of calls/direct invitations to the Ministry of Health under the Recovery and Resilience Plan*).

As regards Investment 3 of Component 11 “Digitalisation in health” the priority projects have been selected and supplemented in the investment plan for quick implementation: “Introduction of a unified system for centralisation of management” and “Cardiology navigation system”. There are two demand calls for the two investments under Investment 3 specified in the Indicative timetable (document 19 of the section ‘Evidence provided’): 1) the one on the ‘Central management – new ERP for 19 hospitals’ (to be announced in February 2023) and 2) the investment ‘Improving radiotherapy planning with the support of artificial intelligence’ (already announced in August 2022).

The Ministry of Health approved on 8 June 2022 the Investment plan for the healthcare investments, which includes list of prioritised investment projects that could be considered financed from the EU Structural Funds (see document No. iii. of the section “Evidence provided”). It represents the ranking of investment projects above 1 million euro with detailed parameters (name of the investment, type of investment, readiness, estimated allocation, score) based on the results/points obtained from the evaluation made according to the methodology approved by the Ministry of Health on 8 March 2022. For all of these

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<sup>5</sup> Full fit out – a completely new hospital with material equipment ready to receive patients.



selected projects, the potential source of funding is European Funds. In response to the First Observation Letter, Slovakia supplemented this part of the investment plan by specifying the source of financing (see document No, iii of the section "Evidence provided") - either the project is financed from the financial perspective 2014-2020 or from the planned calls under the new programming period (2021-2027).

Investments in health are also planned to be supported from the new programming period (2021-2027) of cohesion policy under the Programme Slovakia for 2021-2027. The Programme Slovakia was approved by the Commission on 24 November 2022 and is the main implementation tool for the financing of Cohesion Policy priorities and measures. Following the approval of the Programme Slovakia, the Ministry of Health will proceed to the final identification of the published projects in a further process in accordance with the rules of the Cohesion Policy legislation.

**2) A methodology for evaluating health investments shall be developed, which will determine decision-making criteria based on financial, medical but also indirect benefits, including societal and socio-economic benefits. A model for decision-making on the economic efficiency of an investment in the health sector shall be set, taking into account not only the direct financial benefits of the investment but all indirect benefits as well (e.g., greater patient comfort).**

a) The Ministry of Health has prepared and approved on 8 March 2022 a cross-cutting methodology for prioritization of investment projects that transparently evaluates projects and plans to use this methodology in the long-term period. The annex 1 to this methodology (see the document No. 7 Methodological manual) contained the decision-making criteria prepared for the assessment of the different type of projects in line with milestone requirement:

- The financial criteria are presented under the point '2.2 Financial return on investment' on and '3.3 Cost-benefit analysis (CBA)';
- The medical criteria are listed in "3.2.1 Improving the quality of healthcare provided" are divided into 3 groups: structural (license, certification, therapeutic procedures, etc.), process (timeliness and accuracy of diagnosis, therapeutic suitability, etc.) and result-oriented (biomedical outcomes, more complex effects of the intervention).
- The example of the indirect benefits are the criteria of "2.5 Green Procurement" or "3.2.3 Enhancing cybersecurity". The socio-economic benefit is presented in the point "3.2.2 Increased access to healthcare and improved patient involvement in the treatment process". This criterion also takes into account the impact on society as well as the economy, as increased accessibility improves prevention as well as early treatment, which in turn has a global impact on the economics of the healthcare system.

The selection of the projects was underpinned by a decision-making model on the economic efficiency that took into account not only direct financial benefits (such as cost efficiency) but also indirect financial benefits. The indirect financial benefits are promoted in the way that by fulfilling them, the project received better score since these criteria weighted more than the others. For example, the criterion '4.5 Quality', split into three scoring types: improving treatment outcomes, increasing patient comfort and staff comfort. If a given project brings a 100 % improvement to one type of quality criterion, it will also receive the maximum score. The outcome of this assessment – the ranking of the projects has become a part of the investment plan as adopted on 1 July 2022 for both RRF and EU Structural Funds.

b) The Council Implementing Decision required the development of a methodology to determine decision-making criteria for the selection of projects. However, the main strategic projects

under the investment plan - construction of the hospital in Martin and construction of hospital Rázsochy in Bratislava, were chosen by means of Government Resolution No. 420/2020, and not through the methodology approved on 8 March 2022. These two projects were selected on the basis of an evaluation made exclusively for major strategic projects (See the doc xvii. internal table of the Ministry of Health on the result of the analysis of the project prioritisation methodology for the construction and reconstruction of hospitals). As explained by Slovakia in the updated cover note, the methodology for prioritization of investment projects approved on 8 March 2022 (described under point 2 a) above) did not include selection criteria for projects of such strategic nature as the projects for the construction of the hospital in Martin and construction of hospital Rázsochy in Bratislava. Whilst this constitutes a minimal formal deviation from the requirement of the Council Implementing Decision, the methodology for the selection of major strategic projects is in line with the milestone requirements:

- Number of programmes covered under the optimised hospital network in 2030 ('Size of the hospital coverage'). The greater the number and type of service hospital has, the wider the range of services will provide. This criterion takes into account the overall societal impact of the investment.
- Number of acute hospitalizations divided by the amount of investment. This parameter calculates the number of hospitalizations that can be achieved from the investment and may be considered as the criterion of the financial gains (benefits).
- Weighted number of hospitalizations. Compared to the previous criterion, this parameter relates only to the situation within the given hospital and calculates the number of affected hospitalizations as a share of all acute hospitalizations in the given hospital. This criterion captures the medical gains.
- Type of investment – this a comprehensive criterion taking into account financial efficiency as well as indirect benefits such as patient comfort (e.g., number of rooms with fewer patients, increased financial efficiency in changing processes, etc.).

These decision-making criteria have served as a basis for the preparation of the new methodology for prioritising demand call projects for hospital construction and reconstruction under RRP adopted on 2 September 2022 (see the document No. xiv. Of the section "Evidence provided"). As of this, this minimal deviation does not affect the progress towards achieving the reform that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

- c) On 3 November 2022 the Ministry of Health integrated the two methodologies described under the points 2a) and 2b) above into one single document methodological guideline (Methodological Guidance No. Z078106-2022 constitute a comprehensive model for assessing projects also within the RRP based on transparent and appropriate criteria – see the document No. v. of the section "Evidence provided"). This methodology constitutes a comprehensive model for assessing projects based on transparent and appropriate criteria, that are in line in the milestone. The decision-making criteria are identical to the one already described under the points 2a) and 2b) of the Analysis. The criteria for the prioritisation of the investments in construction/reconstruction of hospitals are presented in the Article 8 thereof. The decision-making criteria for all the other projects are specified in the article 6,7 and 8 of the annex to unified methodology. Responding to the First Observation Letter, Slovakia clarified in the updated cover note that the prioritisation of investment projects for the implementation gathered in the demand calls will be done on the basis of the single methodology approved on 3 November 2022.

**Commission Preliminary Assessment:** Satisfactorily fulfilled

**Number:** C11.M7

**C11.R5.M7** - Reform of primary care provision for adults, children and youth

<b>Name of the Milestone:</b> The new law on the establishment of the network of general care providers and the introduction of zoning	
<b>Qualitative Indicator:</b> Entry into force the act of law	<b>Time:</b> Q2 2022
<p><b>Context:</b></p> <p>The objective of this reform is to introduce a new way of defining the network of general practitioners and paediatricians taking into account specific parameters, such as the number of insured persons and the number of doctors operating in a given district. The annual evaluation of the network will map the districts and present the areas where the medical service is not sufficiently covered.</p> <p>Milestone C11.M7 concerns the entry into force of the legislation that determine the primary care network on the basis of the availability of doctors and the capacity needs based on the size and age structure of the population.</p> <p>Milestone C11.M7 is the only milestone or target of this reform.</p>	
<p><b>Evidence provided:</b></p> <p>In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:</p> <ol style="list-style-type: none"> <li>i. <b>Summary document</b> duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled;</li> <li>ii. <b>Copy of the Act No. 540/2021</b> of 14 December 2021 on the categorisation of inpatient health care and amending certain acts as published in the Official Journal. (hereinafter "Act No. 540/2021") that entered into force on 1 January 2022;</li> <li>iii. <b>Government Regulation No. 11/2022</b> of 11 January 2022 on how to establish a minimum network of general outpatient care providers as published in the Official Journal in 2022 (hereinafter referred to as "Regulation No. 11/2022") that entered into force on 1 February 2022;</li> </ol> <p>The authorities also provided:</p> <ol style="list-style-type: none"> <li>iv. <b>Copy of the results of the assessment of the state of the public network of general outpatient care providers</b> as of 1 January 2022 and <b>classification of districts</b> pursuant to Section 5c(3) of the Act No. 540/2021 approved by the Ministry of Health on 16 June 2022;</li> <li>v. <b>Copy of the 'Methodology for determining the number of grants and the amount of grants to support the setting up of general outpatient clinics</b> for the period August 2022-July 2023 prepared pursuant to 5d(1)(b) and (c) of Act No. 578/2004 on healthcare providers, health workers and professional organisations in the healthcare sector and amending certain acts as adopted by the Ministry of Health on 31 July 2022 on the website.</li> <li>vi. <b>Copy of the 'List of districts and municipalities with allocated grants</b> for the period August 2022 – July 2023' prepared pursuant to 5d(1)(b) and (c) of Act No. 578/2004 as adopted by the Ministry of Health on 31 July 2022 on the website.</li> <li>vii. <b>Accompanying information</b> prepared the Ministry of Health on the grant for and paediatricians for the establishment of practice.</li> </ol> <p>Link to the website of the Ministry of Health where all of the documents listed in points 4-7 can be accessed <a href="https://www.health.gov.sk/?vseobecna-ambulantna-starostlivost">https://www.health.gov.sk/?vseobecna-ambulantna-starostlivost</a>.</p>	
<p><b>Analysis:</b></p> <p>The justification and substantiating evidence provided by the Slovak authorities cover all constitutive elements of the milestone. In particular:</p> <ol style="list-style-type: none"> <li>1) <b>The new legislation shall set out rules for the primary care network to determine the</b></li> </ol>	

**number and distribution of general practitioners on the basis of maximum travel time per doctor); capacity needs (the number of general practitioners of adults and children needed, based on the size and age structure of the population).**

The provisions of article V of Act No. 540/2021 on the categorisation of inpatient health care by adding section 5 in the act No. 578/2004 on healthcare providers, health workers, professional organisations in the health sector and amending certain acts address the milestone by setting up the new definition and criteria for the minimum network of the primary care providers. The network of the primary care providers is determined by two underlying criteria: 1) time availability for the outpatient medical service and 2) the necessary capacity of the general practitioners and paediatricians (paragraph 5b).

The criterion of the time availability is defined as a maximum car driving time by a passenger from the place of their residence to the nearest municipality where the relevant healthcare service is provided. Regulation No. 11/2022 on how to establish a minimum network of general outpatient care providers further specifies that the driving time shall not exceed 25 minutes. The range time is calculated on the basis of the special time matrix published on the website of the Ministry of Health of the Slovak Republic in electronically processed form (paragraph 1(3)).

To ensure the good quality of primary care, certain level of practitioners should be ensured. Annex 1 to Regulation No. 11/2022 provides a formula for calculating the necessary capacity, based on: i) the age structure of the inhabitants of the giving districts by attributing the weights for the age categories, prioritising small children (0-4 years) and the elderly (60+), ii) value of the national migration of people. These two indicators together are divided by the pre-defined number of insured persons per general practitioner or paediatrician.

In addition, the reform fulfils all the relevant requirements of the description of the reform. In particular:

**2) Introduction of zoning criteria and the process of annual evaluation.**

The two criteria of the description of this milestone as specified in the CID Annex and in the Analysis above serve to introduce the zoning - classifying districts in terms of the optimal number and location of general practitioners and paediatricians. Pursuant to the Paragraph 5c and 5d of Act No. 540/2004 the classification of districts under one of four categories - as listed below - is made annually. The process is organised as follows:

- The Health Care Supervisory Authority ('the Supervisory Authority') that is responsible for the assessment of the status of the minimum network of the general outpatient care providers firstly gathers the data from the relevant bodies: insurance companies, the National Centre for Health Information and the regional self-governing authorities, After processing the data, the Supervisory Authority publishes on its website the results of the assessment of the state of the network by 30 June every year.
- The Ministry of Health publishes the results of the assessment made by the Supervisory Authority together with the classification of districts by 31 July. Districts are classified according to the level of risk of non-compliance with the network criteria. There are four categories ranked by severity: i) critical, ii) scarce, iii) risky and iv) secured.
- The first comprehensive assessment of the network against the new criteria was made shortly after the adoption of the legislative amendments. Ministry of Health published the results of the state of the public minimum network of general outpatient care providers as for 1 February 2022 (document No. 4 of the window 'Evidence provided'). According to this assessment, five out of 71 districts were found to be 'secured' as far as the GP's coverage, whereas for 12 districts the situation was 'critical'. No district was classified as 'secured' in paediatrician service, and the situation was found 'critical' in 14 of them.

**3) Map of gaps in primary care provision that allows for better targeting of remedial action, including the modulation of incentives for doctors to open new practices in underserved areas.**

In line with the measure description, paragraph 6e of Act No. 540/2021 sets the financial contribution (grant) to increase the capacity of the public minimum network in the underserved districts of Slovakia. This grant is meant to be a financial compensation for the costs of setting up and operating a general outpatient clinic during the first year of its operation. The distribution of funds will be done through demand calls following the publication by the Ministry of Health of a list of districts and municipalities with the allocated financial contribution for each year.

**Commission Preliminary Assessment:** Satisfactorily fulfilled

<b>Number:</b> C13.M5	<b>C13.R3.M5</b> - Reforming the supervision of social care and providing infrastructure for its implementation	
<b>Name of the Milestone:</b> Reform of the supervision of social care		
<b>Qualitative Indicator:</b> Entry into force of the Act on the supervision of social care		<b>Time:</b> Q2 2022
<p><b>Context:</b></p> <p>The objective of this reform is to consolidate the system of supervision of social care, which is fragmented and inefficient with insufficient capacities for supervision and carried out by different authorities at national and regional level. The system currently does not cover informal care and personal assistance.</p> <p>Milestone C13.M5 concerns the unification of the powers of supervision of social care and to create legislative basis for functioning of new supervision of social care. The milestone also intends to define new conditions for quality care in social services and households and extends the area of supervision to informal home care. The quality of care will be assessed in accordance with the World Health Organisation’s Quality Rights Toolkit.</p> <p>Milestone C13.M5 is the first step in the implementation of the reform, and it will be followed by target C13.T6, related to the establishment of a unified supervisory system with headquarter and eight branches. The reform has a final expected date for implementation in Q1 2024. This specialised unit will oversee provision of social care as well quality and scope of assistance provided to persons in need.</p>		
<p><b>Evidence provided:</b></p> <p>In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:</p> <ol style="list-style-type: none"> <li>i. <b>Summary document</b> duly justifying how the milestone was satisfactorily fulfilled in line with the requirements set out in the Council Implementing Decision;</li> <li>ii. <b>Copy of the Act No. 354/2022 of 4 October 2022 on the supervision of social care and amending certain acts</b>, published in the Official Journal on 26 October 2022 and in force from the same day.</li> </ol>		
<p><b>Analysis:</b></p> <p>Act No. 354/2002 on the supervision of social care and amending certain acts (hereinafter referred to as ‘Act No. 354/2002’) entered into force on 26 October 2022, except for Article 1, Section 4-13 and Article (2-5) of Act No. 354/2022 that entered into force on 1 November 2022 (indicated under Article 4 of Act No. 354/2022).</p>		

The justification and substantiating evidence provided by the Slovak authorities cover all constitutive elements of the milestone. In particular, Act No. 354/2002:

**1) Creates the legislative basis for the functioning of the new supervision of social care.**

In order to promote more effective protection of rights and legally protected interests of natural persons and to enhance quality of provision of social care, Act No. 354/2022 creates a new unified supervisory system of social care. Act No. 354/2022 establishes supervision as control activity carried out by the Ministry of Labour, Social Affairs and Family (Section 3(1)).

The Ministry of Labour, Social Affairs and Family will carry out supervision of social care on the entities defined in Section 2(2). The supervised entities comprise natural and legal persons as well as state institutions, such as the Office of Labour, Social Affairs and Family. The following entities are subject to supervision: i) social care providers, such as municipality, legal entity established by a municipality, non-public social care providers, which are defined in Act No. 448/2008 on social services on social services and on amending of the consolidated Act No. 455/1991 on Business Registration (hereinafter referred to as 'Act No. 448/2008') (Section 3), ii) natural person who receives cash benefit as compensation for social consequences of severe disability and a natural person who provides care or assistance to a severely disabled person receiving cash benefit for personal assistance or care (as stipulated in Act No. 447/2008 on cash benefits to compensate for severe disability and on amending certain acts (hereinafter referred to as 'Act No. 447/2008'), iii) entity carrying out measures of social and legal child protection and social guardianship, pursuant to Act No. 305/2005 on the social protection of children and on the social guardianship, iv) entity who is presumed to be carrying out activities that constitute unauthorised provision of social care or unauthorised provision of social and legal child protection and social guardianship.

Section 2(1) outlines that the Ministry of Labour, Social Affairs and Family will carry out supervision of the supervised entities defined in Section 2(2) in the form of i) administrative supervision of the fulfilment of the obligations in scope of the provision of social care, the provision of cash benefits to compensate for social consequences of severe disability and social and legal child protection and social guardianship and ii) drawing conclusions regarding responsibility for violation of obligations established by Act No. 354/2022.

**2) Defines new conditions for quality of care in social services and households.**

In line with the CID requirement to define new conditions for quality of care in social services and households, Article 5(3) of Act No. 354/2022 amends Act No. 448/2008 by establishing that social service providers are obliged to meet certain standards concerning the quality of the provision of service. Article 5(39) defines these quality standards (as Annex 2 to Act No. 448/2008) that apply to both social services provided in institutions as well as social services provided on the ground, that is in home environment or households such as in the form of care services outlined in Section 41 of Act No. 448/2008.

The quality standards consist of a set of criteria that define the quality of provision of social services and are divided into three newly established areas: procedural, personnel and operational standards. The criteria were developed based on the World Health Organisation Quality Rights Toolkit that evaluate to what extent basic human rights and freedoms are respected. This ensures that recipients of social care exercise their fundamental human rights in accordance with the international human rights obligations of the Slovak Republic (as specified among others in the Convention on the Rights of Persons with Disabilities or the European Convention on Human Rights).

In order to ensure transparency, Section 11 of Act No. 354/2002 determines that the Ministry

of Labour, Social Affairs and Family is obliged to publish outcomes of the supervision of social care for each preceding calendar year. The outcomes summarised in reports fulfil informative as well as methodological and preventive function.

**3) Extends the area of supervision to include the supervision of informal home care.**

In order to extend the area of supervision to informal home, Section 2(1)(a) of Act No. 354/2002 stipulates that the supervision will be carried out on the performance of duties of a supervised entity, that is a natural person who has been granted benefit to compensate social consequences of a severe disability (such as benefit for an apartment improvements or for purchasing a personal motor vehicle) and a natural person who provides assistance to a severely disabled natural person who receives benefit for personal assistance or care.

**Commission Preliminary Assessment: Satisfactorily fulfilled**

<b>Number:</b> C14.M6	<b>C14.R3.M6</b> - Public procurement procedures	
<b>Name of the Milestone:</b> Reform of the Public Procurement Procedures Act		
<b>Qualitative Indicator:</b> Entry into force of the revised Act on Public Procurement Procedures by Parliament		<b>Time:</b> Q1 2022
<p><b>Context:</b></p> <p>The objective of this reform is to simplify and accelerate procedures while ensuring proper safeguards, in a context where the complexity and length of the public procurement verification procedures remain a blocking factor for potential beneficiaries of procurements. It also aims at improving control by digitalising and automating award and evaluation of contracts, and price collection and analysis.</p> <p>Milestone C14.M6 concerns the entry into force of amended legislation to simplify and accelerate public procurement procedures, and to improve control mechanisms under analysis.</p> <p>Milestone C14.M6 is the first step of the implementation of the reform, and it will be followed by milestone C14.M7, related to the digitalisation of public procurement processes through a single electronic platform. The reform has a final expected date for implementation in Q2 2023.</p>		
<p><b>Evidence provided:</b></p> <p>In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:</p> <ol style="list-style-type: none"> <li>i. <b>Summary document</b> duly justifying how the milestone was satisfactorily fulfilled in line with the requirements set out in the Council Implementing Decision;</li> <li>ii. <b>Copy of Act No. 395/2021 of 7 October 2021 Amending Act No. 343/2015 on Public Procurement Procedures and Amending Certain Acts</b>, published in the Official Journal on 5 November 2021;</li> <li>iii. <b>Concordance table – Directive No.89/665/EEC</b>, as amended by Directive 2007/66/EC;</li> <li>iv. <b>Concordance table – Directive No. 92/13/EEC</b>, as amended by Directive 2007/66/EC;</li> <li>v. <b>Concordance table – Directive No. 2014/23/EU</b>;</li> <li>vi. <b>Concordance table – Directive No. 2014/24/EU</b>;</li> <li>vii. <b>Concordance table – Directive No. 2014/25/EU</b>;</li> <li>viii. <b>Explanatory memorandum of Act No. 395/2021.</b></li> </ol> <p>The authorities also provided:</p> <ol style="list-style-type: none"> <li>ix. <b>Concordance tables – notification form</b> by the Government Office that specifies the relevant transposed Directives of the European Parliament and of the Council;</li> </ol>		

x. **Concordance table – Directive No. 2009/81/EC.**

**Analysis:**

The entry into force of the Act No. 395/2021 Amending Act No. 343/2015 on Public Procurement Procedures (hereinafter referred to as 'Act No. 395/2021'), as approved by the Government and the National Council, is the date of promulgation of the Act, i.e., 5 November 2021 (Article 13 of Act No. 395/2021). However, most provisions entered into force on 31 March 2022 (Article 8 of Act No. 395/2021). There are provisions, which do not relate to the milestone fulfilment, (i.e., to the milestone and measure description in the CID) that entered into force only on 1 August 2022 (Article 1, 50) of Act No. 395/2021), or will enter into force on 31 March 2024 (Article 1, Section 184b(1), point 230, Article 6 and Article 10(3) and (4) of Act No. 395/2021).

Act No. 395/2021 represents a comprehensive reform of public procurement procedures and includes regulatory changes to both above-limit and below-limit public procurement procedures as well as those covering low-value contracts.

The justification and substantiating evidence provided by the Slovak authorities cover all constitutive elements of the milestone. In particular:

**1) Act No. 395/2021 accelerates and simplifies the procurement procedure.**

Act No. 395/2021 simplifies the procurement procedure, notably by providing the legislative framework for streamlining public procurement procedures for all below-threshold and low-value contracts into a single and publicly available electronic platform for the entire procurement process, including automation features for the award and evaluation of contracts (Section 13 (platform) of Act No. 343/2015, as amended by Article 1, Points 28-43 of Act No. 395/2021; Sections 109 to 114 (below-threshold contracts) of Act No. 343/2015, as amended by Article 1, Points 105-131 of Act No. 395/2021; Section 117(1) and (6) (low-value contracts) of Act No. 343/2015, as amended by Article 1, Points 139 and 142 of Act No. 395/2021).

Furthermore, Section 20(11)(h) of Act No. 343/2015 (as amended by Article 1, Point 53 of Act No. 395/2021) defines that the electronic platform will be used for lodging remedies. Allowing contracting authorities, contracting entities and economic operators to carry out all actions, including remedies, through the single electronic platform simplify public procurement procedures.

Section 107(a) and Section 111(a) of Act No. 343/2015 (as amended by Article 1, Point 103, Point 109 respectively, of Act No. 395/2021,) simplify the procurement regime for contracts (in particular, contracts in the area of social services) for above-limit and below-limit public procurement procedures.

By adjusting the thresholds defining which type of public procurement procedure applies, Section 5(3)-(5) of Act No. 343/2015 (as amended by Article 1, Points 11-13 of Act No. 395/2021) reduce the administrative burden for certain estimated value brackets. It increases lower-limit of the financial limit for below-threshold contracts which is mirrored by an increase of the upper-limit of the financial limit for low-value contracts. This also rises lower-limit of the financial limit for low-value contracts. As a result, this amendment enhances flexibility of purchases in public procurement procedures. In order to increase transparency, Act No. 395/2021 introduces mandatory publication of calls for tenders in the framework of increasing upper-limit of the financial limit for low-value contracts.

In terms of reducing administrative burden, Section 49(7) of Act No. 343/2015 (as amended by Article 1, Point 86 of Act No. 395/2021) simplifies public procurement procedures by



introducing the possibility to submit electronic copies of documents instead of electronic originals as part of requests to participate and as part of tenders' submission.

In order to streamline public procurement procedures with regard to conclusion of contracts and to avoid repeating competitions, Section 56(9) of Act No. 343/2015 (as amended by Article 1, Point 93 of Act No. 395/2021) stipulates that contracting authority may conclude a contract with the next tenderer, in case of absence of proper cooperation for awarding the contract or failure to comply with specific contractual conditions, without the limitation to the first tenderers in the ranking.

Section 15(7) and (8) of Act No. 343/2015 (as amended by Article 1, Point 47 of Act No. 395/2021) establishes a central procurement organisation for state authorities for designated commodities. The Government Office ensures centralised activities in public procurement for civil contracts for delivery of goods, for implementation of construction works or provision of services for public contracting authorities. This amendment speeds up public procurement procedures by, in particular, relieving individual authorities from organising public procurement for the fields indicated above that are administered at the central level in one single procedure.

Act No. 395/2021 unifies and simplifies information obligations for below-threshold and low-value contracts which also reduces administrative burden. For the purpose of system unification of the legislation for sending summary reports, due to amendments of the rules for sending summary reports regulated by Section 10(10) of Act No. 343/2015 (as amended by Article 1, Point 20 of Act No. 395/2021), rules for sending summary reports on below-threshold and low-value contracts as well as below-threshold concessions are also amended as follows: automatisisation of summary reports is introduced so that when linking Public Procurement Office's information systems and the electronic platform, the obligation of public contracting authority to ensure certain information obligations towards the Public Procurement Office does no longer apply (Section 111(2) of Act No. 343/2015, as amended by Article 1, Point 107 of Act No. 395/2021; Section 111a(5), as amended by Point 109; Section 117(10), as amended by Point 143; Section 118(4), as amended by Point 144; Section 187(4)(5), as amended by Point 232).

**2) Act No. 395/2021 accelerates the process also with a view to exercising the rights of the candidates, tenderers, participants, and other persons concerned.**

Section 170(7) of Act No. 343/2015 (as amended by Article 1, Point 180 of Act No. 395/2021) accelerates public procurement procedures by broadening those for which use of control mechanism is limited (such as in case of so-called objection procedures that review actions of the subject of the review based on objections), while still maintaining the control by the Public Procurement Office. Section 170(7) lists objections that cannot be filed, such as, for below-threshold contracts to public procurement authorities for supply of goods or provision of services. Therefore, objection procedures can be realised solely for larger contracts as well as become one-step process which further accelerates public procurement procedures.

In order to reduce the length of public procurement procedures, review procedures and supervision of public procurement are adapted. Section 175(1)(c) of Act No. 343/2015 (as amended by Article 1, Point 204 of Act No. 395/2021) establishes that the Public Procurement Office issues a decision with a declaratory statement in below-threshold contracts instead of a decision with a standard review statement issued typically before conclusion of a contract. If the Public Procurement Office, in the process of reviewing the actions of the auditee before the conclusion of the contract, discovers that Act No. 343/2015

amended by Act No. 395/2021 was violated by the actions of the auditee and the violation had or could have had an impact on the outcome of the public procurement, the Office will establish a violation of this law by decision and state the calculation of the provisions of this law. In case of any objections, it is therefore up to the public contracting authority to decide whether to proceed with the conclusion of the contract despite the objections submitted, or wait for a decision on the objections. Furthermore, Section 175(12) of Act No. 343/2015 (as amended by Article 1, Point 208) adapts one-step procedures. In particular, it is not possible to oppose the decision of the Public Procurement Office in the proceedings to review the actions of the auditee. Decision of the Public Procurement Office may be reviewed by the court, while the lawsuit must be filed within 30 days from the date of delivery of the decision.

Section 173 of Act No. 343/2015 (as amended by Article 1, Points 190-197 of Act No. 395/2021) streamlines objection procedures that review actions of the subject of the review based on objections. In order to accelerate public procurement procedures, the Public Procurement Office does not take into account written statements on the submitted objections and evidence delivered by the subject of the review after the delivery of the complete documentation and at the same time delivered after seven days from the date when the objections were received.

Act No. 395/2021 ensures more flexible rules for exclusion of tenderers and candidates in case of suspicious of anti-competitive agreements. Public contracting authority or contracting authority may acquire reasonable suspicion of an agreement to distort or restrict economic competition on the basis of direct, irrefutable evidence, or on the basis of indirect evidence (i.e., indication). However, mere existence of some indications does not constitute a reason for exclusion. Public contracting authority or contracting authority when applying ground for exclusion according to Section 40(8)(d) of Act No. 343/2015 (as amended by Article 1, Point 75 of Act No. 395/2021) is empowered to refute also alternative explanations of indications of collusion in public procurements. Tenderers and candidates are entitled to prove to public contracting authority or contracting authority that they have taken sufficient measures to carry out correction and public contracting authority or contracting authority will assess whether these measures are sufficient.

As per Section 112(13) of Act No. 343/2015 (as amended by Article 1, Point 117 of Act No. 395/2021), time limits for the submission of tenders are shortened and procedures streamlined in below-threshold contracts. The deadline for submitting tenders for below-threshold contracts has been modified from calendar days to working days. As a result, this simplifies the position of economic operators during holidays' periods and several non-working consecutive days and shortens the procedure for the contracting authority during 'standard periods'.

**3) Act No. 395/2021 improves control of public procurement by automating the award and evaluation of contracts and ensures efficient collection and analysis of price data.**

As indicated under point 1) under the 'Analysis' section, Act No. 395/2021 simplifies public procurement procedures, notably by providing the legislative framework for streamlining procurement procedures for all below-threshold and low-value contracts into a single and publicly available electronic platform with automation features for the award and evaluation of contracts.

The automation of the award and evaluation of contracts simplifies public procurement procedures, in particular, at the level of user experience and optimisation of the user path. This includes the use of data from other registers for automation when filling in

documentation in public procurement procedures, linking the systems for automated fulfilment of, in particular, information and publication obligations, ranking of tenders and evaluation, where the chosen criterion allows it in an automatic manner and similar.

To ensure efficient collection and analysis of price data, Section 13(2)(d) of Act No. 343/2015 (as amended by Article 1, Point 33 of Act No. 395/2021) introduces a new functionality as part of the electronic platform system to monitor price developments used for below-threshold contracts and also for the purpose of determining the estimated contract value in above-threshold contracts.

Section 13(13) and (14) of Act No. 343/2015 (as amended by Article 1, Point 43 of Act No. 395/2021) regulate the collection of price data. Better data availability and objective criteria will thereby increase transparency and improve control. This new functionality of the electronic platform will materialise this through creation of price databases which will be further used, in particular, when determining estimated value of contracts. For control purposes, this system will be used as a starting point to control correct determination of estimated contract value. At the same time, the control element is strengthened as the data is made available automatically to the Public Procurement Office as regulator for control purposes as used in the competition.

**4) Act No. 395/2021 ensures proper safeguards, in particular as regards transparency and any proposed amendments are in line with both the relevant Directives of the European Parliament and of the Council as well as the rules laid down in the Treaty of the Functioning of the EU.**

Act No. 395/2021 ensures proper safeguards, in particular with regard to transparency requirements, review procedures and the separation of tasks and competences concerned (as described under Point 1-3 of the Analysis section). The analysis below shows that the amendments are in line with the relevant Directives of the European Parliament and of the Council as well as relevant provisions of the Treaty of the Functioning of the EU (TFEU).

The Operational Arrangements define the relevant Directives of the European Parliament and of the Council with which Act No. 395/2021 should comply as follows:

- *'Council Directive 89/665/EEC on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts'* (hereinafter referred to as 'Directive 89/665/EEC');
- *'Council Directive 92/13/EEC coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors'* (hereinafter referred to as 'Directive 92/13/EEC');
- *'Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts'* (hereinafter referred to as 'Directive 2007/66/EC');
- *'Directive 2014/23/EU of the European Parliament and of the Council on the award of concession contracts'* (hereinafter referred to as 'Directive 2014/23/EU');
- *'Directive 2014/24/EU of the European Parliament and of the Council on public procurement and repealing Directive 2014/18/EC'* (hereinafter referred to as 'Directive 2014/24/EU');
- *'Directive 2014/25/EU of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors and*

*repealing Directive 2004/17/EC* (hereinafter referred to as 'Directive 2014/25/EU').

The Slovak authorities provided individual concordance tables to justify the compliance of Act No. 395/2021 with each of the relevant Directives (that is Directive 89/665/EEC, Directive 92/13/EEC, Directive 2014/23/EU, Directive 2014/24/EU and Directive 2014/25/EU). The Slovak authorities have explained that the concordance table for Directive 2007/66/EC has not been drawn up, since Directive 2007/66/EC has merely amended Directive 89/665/EEC and Directive 92/13/EEC. Therefore, the question of the conformity of the amendments introduced by Act No. 395/2021 with Directive 2007/66/EC has been covered by the concordance tables of Directives 89/665/EEC and 92/13/EEC. The Commission, having verified the content of Directive 2007/66/EC, shares this view and, thus, considers the evidence provided complete.

In addition to that, the Slovak authorities also provided a concordance table for Directive 2009/81/EC of the European Parliament and of the Council on the coordination of procedures for the award of contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security and amending Directives 2004/17/EC and 2014/18/EC (hereinafter referred to as 'Directive 2009/81/EC'). The Commission considers all above-mentioned Directives, including Directive 2009/81/EC, relevant and the analysis below further confirms this assessment by outlining the specific articles which are of relevance.

The national legal act referred to in the CID, i.e., Act No. 395/2021 amends Act No. 343/2015 on public procurement that had been notified by national authorities as transposing the public procurement directives (Directive 2014/23/EU, Directive 2014/25/EU, Directive 2009/81/EC, Directive 89/665/EEC and Directive 92/13/EEC, both as amended by Directive 2007/66/EC). The amendments include changes in the transposing law as far as following provisions are concerned: Articles 3 and 17 of Directive 2014/23/EU, Articles 5, 12, 13, 22, 25, 35, 41, 55, 57, 74 and 83 of Directive 2014/EU, Articles 16 and 28 of Directive 2014/23/EU and Articles 1 and 2c of Directive 89/665/EEC, 92/13/EEC, both as amended by 2007/66/EC, and Articles 6, 9, 10, 20, 35, 36, 37, 39, 45 and 48 of Directive 2009/81/EC.

The amendments introduced by Act No. 395/2021 are in line with the relevant Directives 2014/23/EU, 2014/24/EU, 2014/25/EU, 89/665/EEC, 92/13/EEC, both as amended by 2007/66/EC, and Directive 2009/81/EC and in particular with the Articles outlined above.

The amendments also comply with the basic principles stemming from provisions of the TFEU applicable on public procurement and concessions, most importantly with Articles 34-36 on free movement of goods and Article 56-62 on free movement of services.

The assessment of the compliance with the relevant articles of Directives 2014/23/EU, 2014/24/EU, 2014/25/EU, 89/665/EEC, 92/13/EEC, 2007/66/EC, 2009/81/EC and the relevant provision of the TFEU for the purposes of payments from the Recovery and Resilience Facility does not prejudice the assessment by the Commission in any other proceedings regarding the conformity of the national law with those directives and the TFEU.

Furthermore, Act No. 395/2021 fulfils the following elements of the measure description:

- 5) The measure enhances further professionalisation of public procurement by building capacities of the Public Procurement Office. Specifically, the provision of trainings in various formats to improve the application of reformed public procurement procedures takes place.**

Section 184(a) of Act No. 343/2015 (as amended by Article 1, Point 230 of Act No. 395/2021) defines that professionalisation of public procurement materialises mainly through: i) centralisation of public procurement, ii) occasional joint procurement and iii) professional guarantor for public procurement.

As indicated under point 1) of 'Analysis' section, Sections 15(7) and 15(8) of Act No. 343/2015 (as amended by Article 1, Point 47 of Act No. 395/2021) establish a central procurement organisation for designated commodities. Centralisation of public procurement represents one of the means how to build capacities of the Public Procurement Office and therefore further professionalise public procurement. Centralisation of public procurement also ensures further professionalisation stemming from the product specialisation of buyers and together with occasional joint procurement allow for enhancing professional specialisation of persons implementing public procurement.

Further professionalisation of public procurement is also ensured by introducing a so-called professional guarantor for public procurement (Sections 184(a)-184(p) of Act No. 343/2015, as amended by Article 1, Point 230 of Act No. 395/2021) who oversees public procurement procedures from the professional perspective. Professional guarantor is defined as a natural or legal person registered on the list of professional guarantors, who has fulfilled the requirements in order to enter the list (Section 184b of Act No. 343/2015, as amended by Article 1, Point 230 of Act No. 395/2021), such as successful completion of the exam or professional experience in public procurement to the extent defined in Section 184b(7) of Act No. 343/2015 (as amended by Article 1, Point 230 of Act No. 395/2021).

Section 184(b) of Act No. 343/2015 (as amended by Article 1, Point 230 of Act No. 395/2021) specifies the tasks professional guarantors conduct. For example, professional guarantor assesses the selection process for awarding contracts, the conditions of participations and the criteria for evaluating tenders in accordance with Act No. 343/2015 as amended by Act No. 395/2021, ensures preparation of documents necessary for tenders or to demonstrate compliance with the conditions of participation, ensures communication with economic subjects after the announcement of public procurement, supervises compliance with deadlines established by Act No. 343/2015 as amended by Act No. 395/2021, ensures actions leading to conclusion of contract after evaluation of tenders or participates in implementation of actions related to public procurement supervision in accordance with Act No. 343/2015 as amended by Act No. 395/2021.

The Public Procurement Office manages the list of professional guarantors, carries out examinations of professional guarantors, provides trainings to professional guarantors and is entrusted with sanctioning competences in case of violations of the law by professional guarantors (Section 184(b)-184(p) of Act No. 343/2015 as amended by Article 1, Point 230 of Act No. 395/2021).

Education qualifications, their enhancement and provision of trainings constitute crucial part of professionalisation of public procurement. The Public Procurement Office provides trainings to professional guarantors on the basis of a learning plan (Section 184i of Act No. 343/2015 as amended by Article 1, Point 230 of Act No. 395/2021) which can order mandatory participation of professional guarantors in trainings (Section 184i(2) of Act No. 343/2015 as amended by Article 1, Point 230 of Act No. 395/2021) in case of i) substantial changes in the legal regulations on public procurement or ii) when it is necessary due to the identification of systemic deficiencies in public procurement. These provisions ensure that professional guarantors have the necessary qualifications and conditions for their continuous

professional development are created.

Further professionalisation of the professional public involved in public procurement procedures is also enhanced by introducing a system of education, i.e., increasing the knowledge and competence of contracting authorities. The starting material setting out the framework for the further development of public procurement trainings in the Slovak Republic is the concept of training in public procurement ('the Blueprint') which was approved in December 2021. The most important activities resulting from the Blueprint, which have already begun to be implemented, are, first, the production of training materials for contracting authorities (such as, infographics on the amendments to Act No. 343/2015 have been drawn up), and also the professionalisation of public procurement through training activities, the aim being to train a minimum of 1125 persons carrying out procurement activities, mainly from the public sector, of which at least 250 participants per year will participate. One learning activity has been carried out so far, with 28 participants trained.

**6) In order to improve the use of quality criteria, rules for green public procurement are expected to be strengthened. It is expected that a further strengthening of the use of quality criteria is achieved through non-regulatory means.**

Act No. 343/2015 contained an 'environmental aspect' only in the following context: i) contracting authority may determine special conditions for contract fulfilment stated in public procurement notice which may include economic, social, environmental aspects or aspects related to innovation or employment (Section 42(12) of Act No. 343/2015) or ii) award criteria for contracts for which Section 44(4) of Act No. 343/2015 specifies that the best price-quality ratio is assessed on the basis of price or cost and other criteria, which include qualitative, environmental or social aspects related to the subject of the contract and which are mainly quality including technical contribution, aesthetic and functional properties, accessibility, solutions suitable for all users, social, environmental and innovative characteristics, trading and its conditions, organization, qualifications and experience of employees designated for the performance of the contract or concession contract.

However, Act No. 343/2015 did not clearly define the environmental aspect. Hence, Section 2(5)(q) of Act No. 343/2015 (as amended by Article 1, Point 10 of Act No. 395/2021) introduces a definition of the 'environmental aspect' which represents an aspect related to the subject of the contract that reduces negative impacts or prevents negative impacts of procured goods, construction works, or services on the environment during any phase of their life cycle, contributes to environmental protection, supports adaption to climate change or promotes sustainable development, especially through i) reduction of air and soil pollution, ii) reduction of greenhouse gas emissions, iii) forest protection, iv) preventing generation of waste or reducing the amount of generated waste, v) recovery of recycled of used materials, vi) use of renewable resources or vii) more efficient use of natural resources.

Rules for green public procurement are strengthened in Sections 10(7) and (8) of Act No. 343/2015 (as amended by Article 1, Point 19 of Act No. 395/2021). These provisions stipulate that public contracting authority and contracting authority (i.e., municipality, higher territorial unit, legal person or association of legal persons) are, in the calendar year in which they started or implemented at least ten public procurement procedures for above-limit and below-threshold contracts (except for low-value contracts), obliged to use in at least 6% of these procedures the social or environmental aspect in the description of the subject of the contract as a special condition for contract fulfilment or as a criterion for evaluating tenders. Public contracting authority (i.e., the Slovak Republic represented by its authorities) is

obliged to use the environmental aspect in at least 6% of public procurement procedures and the social aspect in at least 6% of public procurement procedures. These amendments will also contribute to raising awareness about the environmental aspect which will begin to be gradually taken into account by the interested parties and will lead to further strengthening further the use of quality criteria in public procurement.

**Commission Preliminary Assessment:** Satisfactorily fulfilled

<b>Number:</b> C16.M1	<b>C16.R1.M1</b> – Reform on making the fight against corruption and anti-money laundering more effective	
<b>Name of the Milestone:</b> Reforms to streamline and improve financial investigations		
<b>Qualitative Indicator:</b> Entry into force of the Act No. 312/2020 on asset freezing and of an Act establishing a Central Accounts Register		<b>Time:</b> Q1 2022
<p><b>Context:</b></p> <p>The objective of this reform is to strengthen the fight against money laundering and corruption. Milestone C16.M1 concerns the entry into force of the legislative framework for the Central Accounts Register. The police’s authority to check property in the event of a discrepancy between legal income and used property has been expanded. An office for the management of seized assets is operational and possibilities for asset freezing have been expanded.</p> <p>Milestone C16.M1 is the only milestone or target of this reform.</p>		
<p><b>Evidence provided:</b></p> <p>In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:</p> <ol style="list-style-type: none"> <li>i. <b>Summary document</b> duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.</li> <li>ii. <b>Copy of Act No. 312/2020 of 21 October 2020</b> on the Enforcement of Decisions on Freezing Property and the Management of Frozen Property and Amending Certain Acts, published in the Official Journal on 11 November 2020.</li> <li>iii. <b>Copy of Act No. 123/2022 of 17 March 2022</b> on the Central Register of Accounts and Amending Certain Acts, published in the Official Journal on 14 April 2022.</li> <li>iv. <b>Establishment plan of the Office for the Management of Seized Assets No. 064/2021</b> of 1 August 2021, including an overview of its mandate and powers, an organisation chart, and a staffing plan.</li> <li>v. <b>Certificate proving that the Office for the Management of Seized Assets is operational</b>, issued by the Ministry of Interior of the Slovak Republic on 18 October 2022.</li> </ol>		
<p><b>Analysis:</b></p> <p>The justification and substantiating evidence provided by the Slovak authorities cover all constitutive elements of the milestone. In particular:</p> <ol style="list-style-type: none"> <li>1) <b>The police’s authority to verify the origin of assets is established</b></li> </ol> <p>The Act No. 312/2020 of 21 October 2020 on the Enforcement of Decisions on Freezing Property and the Management of Frozen Property and Amending Certain Acts (hereinafter referred to as the “The Act No. 312/2020”) entered into force on 1 August 2022, with specific Articles entering into force on 1 August 2021.</p> <p>The Act governs the enforcement of decisions on the freezing of property issued in criminal and tax proceedings, in the proofing of origin of the property, and in the implementation of international sanctions (Article I Paragraph 1). It sets out the powers of the State authorities as regards the detection and seizure of assets (movable property, deposits and cash, real estate and other types of assets) (Paragraphs 7, 8 and 9). It governs the management of</p>		

property seized (Paragraphs 10 to 19).

Based on the provisions of the Act No. 312/202, the police's authority to verify the origin of assets is established, including to check the property in the event of a discrepancy between legal income and used property:

- In line with Article III point 23 of Act No. 312/2022, the examination of assets and proceeds of crime has been strengthened as the primary purpose of criminal proceedings within the meaning of Section 1 of the Code of Criminal Procedure.
- Article II of the Act No. 312/2020 amends Section 83a of the Criminal Code, introducing a new concept of protection measure, the confiscation of (part of) the property. It makes it possible to examine the gross disparity of income and assets acquired after 01. 01. 2021, subject of limitations.
- Pursuant to Article I Paragraph 3 of the Act No. 312/2020, the competent authority that issued the decision on the freezing of property shall take the necessary acts for the enforcement of the decision on the freezing of property, even before the decision becomes final, if that decision is enforceable.

In practice:

- the assets situation and the possible proceeds of crime are reviewed by a financial investigation police officer assigned to the newly established unit of the Police Force. The actual verification of the assets of persons was also legally possible until 31 December 2020, but it was not carried out by the police officers.
- The position of the Financial Intelligence Unit has been strengthened; the sharing of information of the Financial Intelligence Unit with other authorities including the relevant unit in the Police Forces has been procedurally improved for the purpose of preventing, detecting, investigating and prosecuting serious crime.
- The Act also empowers the Police Force services to request financial information from the competent foreign authorities (Article IV, point 23 of Act No. 123/2022).
- The police's capacity to check the property and manage frozen assets is also be extended by the establishment of the Office for the Management of Seized Assets which manages frozen property within the meaning of this Act (see section 4) below.

## **2) The possibilities for assets freezing are expanded.**

Based on the provisions of Article I of the Act No. 312/2020, the police are empowered to seize property intended for committing criminal offences or to identify the proceeds of criminal activity (seizing immovable property, securing equity participation in a legal person, securing other property value, securing substitute value, seizure of movable property).

The new tools for seizing the proceeds of crime in criminal proceedings are listed in Article III point 18 of Act No. 312/2020 amending the Code of Criminal Procedure (Sections 96a to 96 g), namely: the reinsurance of real estate, the reinsurance of equity participation in a legal person, the seizure of virtual currencies, other property, of movable property and reinsurance of surrogate value, irrespective of who they belong to or with whom they are located). The absence of express legislation in the Code of Criminal Procedure did not allow law enforcement authorities to seize the proceeds of crime in an effective manner. Until 31 December 2021, only money in an account (Section 95 of the Code of Criminal Procedure) and securities (Section 96) could be seized as proceeds of criminal activity, while other type of assets could be seized under other very specific conditions.

Based on Article III of Act No. 312/2020, the use of covert transfers under Section 112 of the Code of Criminal Procedure has also been extended to the provision of services and activities



(so-called CAS, crime as a service), which are themselves criminal or aiding criminal activities and laundering of the proceeds of crime. Previous legislation did not allow law enforcement authorities for this.

According to Article III point 17 of Act No. 312/2022 revising Section 83a of the Code of Criminal procedure, the confiscation of assets may occur for an intentional offence or for the offence of unauthorised access to the computer system, unauthorised interference with a computer system or computer data, production and possession of access device, passwords in a computer system or other data, public procurement and public auction, receipt of bribes, bribery, indirect corruption or dissemination of child pornography.

Further to the above legal new provisions, the possibility of managing frozen assets is extended through the creation of the Central Register of Accounts in electronic form with online access, which will significantly reduce the period of police access to bank secrecy data as part of financial investigations and proof of the origin of assets from a few months to a few minutes (see point 3) below).

### **3) The legislation establishing a framework for the entry into operations of the Central Accounts Register has entered into force.**

The Act No. 123/2022 of 17 March 2022 on the Central Register of Accounts and Amending Certain Acts hereinafter: 'Act No. 123/2022') entered into force on 1 May 2022. It governs the rights and obligations relating to the operation of the Register:

- As set out in Article I Paragraph 3 of the Act No. 123/2022, the central register of accounts is the public administration information system, which is kept for the purpose of facilitating access by the authorities to data on accounts and safe deposit boxes held or leased in the territory of the Slovak Republic. The administrator and the operator of the central register of accounts is the Ministry of Finance of the Slovak Republic. The data are stored in the central register of accounts for a period of five years.
- In accordance with Article I Paragraphs 11 and 12 of Act No. 123/2022, the actual start of operation of the Central Register of Accounts is 1 January 2023. The financial institutions shall transmit relevant data on the basis of an implementing regulation of the Ministry of Finances laying down the details of data transmission to the Register, to be adopted by 1 July 2023.
- Article I Paragraph 4 of the Act No. 123/2022 sets out the list of financial institutions that can transmit data, as well as the list of data and accounts that can be encoded in the system. The financial institution shall transmit the data on the origination, modification or disappearance of the data by the end of the following day following the origination, change or disappearance. Pursuant to Article I Paragraph 5 of the Act No. 123/2022, when operating the central register of accounts, the Ministry of Finance shall apply organisational, personnel, control and technical measures such as to ensure adequate security of the data held in the central register of accounts, including their protection against unauthorised processing, misuse, loss, destruction or damage. Specific rules apply to the processing of personal data. A natural and legal person will have the right to information and access to personal data under certain conditions set in this Article.

The data and accounts encoded in the system correspond to relevant and necessary under criminal or tax proceedings, in legal actions against money laundering and terrorist financing, and the operations of intelligence services. The register will enable to access relevant data in a swift manner, substituting to current paper requests with a deadline for reply within 30 days). It is an important element to increased efficiency in preventing, detecting, investigating and prosecuting the perpetrators of serious crimes or the subsequent seizure of

assets and proceeds of crime.

**4) An Office for the Management of Seized Assets is operational**

The Act No. 312/2020 has established the Office for the Management of Seized Assets, which is a State budgetary organisation of the Ministry of Justice of the Slovak Republic.

- Pursuant to Article I Paragraph 2 of the Act No. 123/2022, the Office manages property that has been frozen in criminal proceedings or in tax proceedings, following the establishment of the origin of property, or as part of the enforcement of international sanctions.
- Pursuant to Article I Paragraph 6 to 9 of the Act No. 123/2022, the Office can manage movable or immovable property, bank accounts or assets, cash, real estate and other property rights and assets.
- Pursuant to Article I Paragraphs 11 and 12 of the Act No. 123/2022, the Office ensures that the value of the frozen property is increased in the expected manner. It secures and protect the frozen property from damage, destruction, loss, abuse or other deterioration. It ensures that the
- Until the management of frozen property is completed, the Office, on the basis of Article I Paragraph 13 of Act No. 312/2020, keeps records of the seized assets and draws up regular report on the state of assets.

The mandate and structure of the Office has been established in the establishment plan of the Office for Management of Seized Assets No. 064/2021 of 1 August 2021. The Office has been in operation as from 1 August 2021. It was established in line with a pre-set Organisation chart. The 21 posts identified in the staffing plan have been occupied since 6 October 2022.

**Commission Preliminary Assessment:** Satisfactorily fulfilled

<b>Number:</b> C17.M13	<b>C17.I4.M13</b> - Support for projects aiming at the development and application of top digital technologies	
<b>Name of the Milestone:</b> Design of support scheme for development and application of top digital technologies		
<b>Qualitative Indicator:</b> Launch of a support scheme		<b>Time:</b> Q2 2022
<b>Context:</b>		
<p>The objective of this investment is to create a support scheme for research, development and application of advanced digital technologies by companies, including SMEs, research institutes and public administration entities.</p> <p>Milestone C17.M13 concerns the launch and publication of the support scheme by the Ministry for investments, regional development and informatisation. The scheme serves as basis for issuing demand calls for support to different types of projects in the field of digital technologies.</p> <p>Milestone C17.M13 is the first step of the implementation of the investment, and it will be followed by targets C17.T14 and C17.T15, related to the number of projects for the development and application of top digital technologies. Target C17.T14 requires a number of 20 projects for development and application of top digital technologies and target C17.T15 a number of 43 projects for development and application of top digital technologies. The investment has a final expected date for implementation in Q2 2026.</p>		
<b>Evidence provided:</b>		
In line with the verification mechanism set out in the Operational Arrangements, the following		

evidence was provided:

- i. **Summary document** duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled;
- ii. **Copy of the State aid scheme funded from the RRP to support research and development in the area of digital transformation of Slovakia** (below referred to as “Scheme 1”) detailing the specifications of the support scheme. The summary document provided a link to the publication of the scheme in the Commercial Journal on 20 July 2022 and to its publication on the web page of the Ministry of investments, regional development and informatisation.
- iii. **Copy of the State aid scheme funded from the RRP to support Slovak participants in directly managed European Union programmes** (below referred to as “Scheme 2”) detailing the specifications of the support scheme. The summary document provided a link to the publication of the scheme in the Commercial Journal on 22 July 2022 and to its publication on the web page of the Ministry of investments, regional development and informatisation.

The authorities also provided:

- iv. **Copy of the opinion of the Slovak Antimonopoly Office** of 1 July 2022 on **Scheme 1**.
- v. **Copy of the opinion of the Slovak Antimonopoly Office** of 19 July 2022 on **Scheme 2**.

#### **Analysis:**

The justification and substantiating evidence provided by the Slovak authorities cover all constitutive elements of the milestone. In particular:

- 1) **A support scheme for research and development of digital solutions shall be set up and published by the implementation unit of the Ministry of investments, regional development and informatisation (MIRRI) for small and medium sized enterprises, large companies, private R&D institutions, public R&D institutions including academia and Slovak Academy of Sciences, non-governmental and non-profit organizations, media, public institutions including municipalities and other eligible applicants.**

In line with the Council Implementing Decision requirements, a support scheme has been set up covering two schemes (for the purpose of this assessment, Scheme 1 and Scheme 2).

This constitutive element of the milestone is addressed by Scheme 1, issued by the Ministry of investments, regional development and informatisation (MIRRI). The scheme entered into force on the day of its publication in the Commercial Journal 139/2022, 20 July 2022 and was subsequently published on the web page of MIRRI. The scheme defines in Article G, paragraph 2.B. that support under the scheme may be granted for: research and development of application solutions in the field of digital technologies; strengthening capacities (human, technological and infrastructural) in research, development and application of top digital technologies with use in public administration, business environment and Research and Development (R&D) institutions; support for the application of digital technologies by companies; supporting viable R&D projects with Technology Readiness Levels 5 to 8; and support for testing and experimental infrastructure.

The publication of the support scheme on the web page of MIRRI states that all entities listed in the milestone description, notably small and medium sized enterprises, large companies, private R&D institutions, public R&D institutions including academia and Slovak Academy of Sciences, non-governmental and non-profit organizations, media, public institutions including municipalities and other applicants, are eligible to benefit from the support scheme. The scheme is to be implemented by a number of future calls. The launch of these calls is not part of this milestone, which is focused on the establishment and launch of the support scheme.

- 2) **The scheme shall also serve as a co-funding mechanism for projects that succeed in directly**

**managed EU programmes (Digital Europe, Horizon Europe and the Connecting Europe Facility). Priority shall be given to successful projects based on an IPCEI assessment by the European Commission.**

This constitutive element is addressed by Scheme 2., issued by MIRRI. The scheme entered into force on the day of its publication in the Commercial Journal 141/2022, 22 July 2022 and was subsequently published on the web page of MIRRI. Paragraphs 3. and 4 of Article G. prescribe that the scheme is to be used to co-fund projects selected for funding under directly managed EU programmes or to fund projects highly rated under directly managed EU programmes, including Seal of Excellence projects, in the area of digital transition: CEF Telecom, CEF2 Digital, DIGITAL and Horizon Europe. The scope of the projects covers industrial research, experimental development and feasibility studies in the fields of digital technologies, introduction of new technologies in industry or public administration, prototypes and training (Article G. paragraph 2.)

The Commission considers that there is a clerical error in the text of the Council Implementing Decision as regards the descriptions of investment 4 and of milestone C17.M13 and has undertaken the assessment on a revised basis. In such descriptions, it is stated that priority for support shall be given to successful projects based on an IPCEI assessment by the European Commission.

However, the Slovak RRP clearly stated that the scheme designed under this milestone would fall under the General Block Exemption Regulation, therefore implying that these projects will not be assessed by the Commission under the IPCEI Communication. Therefore, this latter requirement has not been taken into account in the assessment. Against this background, the justification and substantiating evidence provided by the Slovak authorities cover all constitutive elements of the milestone.

**3) Projects shall also be assessed on the basis of the priority areas defined in dimension 4 (Digital Transformation of Slovakia) in the Smart Specialisation Strategy (RIS3).**

Scheme 1 constitutes the basis to support projects selected at national level in the areas defined under the Research and Innovation Strategy for Smart Specialisation of the Slovak Republic (RIS3) (article G. paragraph 3). Furthermore, article G. paragraph 4 of Scheme 1 stipulates that specific areas of support are to be defined in individual calls, and includes the requirement that individual calls be in compliance with the provisions of Scheme 1 and with the Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Slovakia. Moreover, Scheme 2 serves as a co-funding mechanism for projects that succeed in directly managed EU programmes and which were therefore already assessed under those programmes prior to their selection under the support scheme. Furthermore, the publication of the support scheme on the web page of MIRRI states that projects will be assessed in the calls launched for the implementation of the scheme on the basis of the priority areas defined in the Digital Transformation of Slovakia dimension of the Smart Specialisation Strategy (RIS3). It is therefore concluded that this substantive element of the milestone is fulfilled.

**Commission Preliminary Assessment:** Satisfactorily fulfilled

<b>Number:</b> C17.T21	<b>C17.I7.T21</b> - Improving the digital skills of seniors and the distribution of Senior Tablets		
<b>Name of the Milestone:</b> Number of seniors and disadvantaged persons trained in basic digital skills			
<b>Quantitative Indicator:</b> Number	<b>Baseline:</b> 0	<b>Target:</b> 1000	<b>Time:</b> Q2 2026
<b>Context:</b>			

The objective of this investment is to improve digital skills of seniors and disadvantaged persons through a targeted training program in digital skills and provision of digital equipment (tablets or alternative devices) along with provision of vouchers for internet access.

Target C17.T21 concerns the completion of a pilot project with a sample of 1000 seniors and disadvantaged persons implementing a training programme followed by distribution of subsidised equipment. The purpose of the pilot project is to assess specific needs, test and validate the proposed training activities and assess the physiological adequacy of technological equipment (tablets or alternative devices) and to reach a decision on the form of the continuation of the project.

Target C17.T21 is the first step of the implementation of the investment, and it will be followed by target C17.T22, related to the number of seniors and disadvantaged persons trained in basic digital skills for the full implementation of the project. The investment has a final expected date for implementation in Q2 2026.

**Evidence Provided:**

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

- i. **Summary document** duly justifying how the target (including all the constitutive elements) was satisfactorily fulfilled;
- ii. **An overview of the training activities provided to seniors and disadvantaged persons;**
- iii. **An anonymised list of issued training program certificates;**
- iv. **Evidence on the number of delivered IT devices per model.** This document contains a list of unique IMEI device identifiers corresponding to the tablets delivered to program participants;
- v. **Summary of the pilot project listing key findings and recommendations for the full deployment of the project.**
- vi. **Framework contract with a telecom operator** (including annexes) concerning the procurement of vouchers for internet access for program participants.
- vii. **Letter from the Ministry of investments, regional development and informatisation with additional explanations** responding to the Commission's observation letter of 9 November.
- viii. **Letter from the telecom operator of 7 December 2022** confirming the handing over for delivery of vouchers for internet access to 1452 persons.
- ix. **Letter from the Ministry of investments, regional development and informatisation of 7 December 2022** accompanying the letter from the telecom operator.
- x. **Electronic exit questionnaires "Improving digital skills"** filled in by programme participants, attendance **sheets from trainings** with signatures of participants, **donation contracts for IT devices signed with programme participants.** These documents were provided for a requested sample of participants.

The authorities also provided:

- xi. **The preparatory study** of the project prepared by the P.J. Šafárik University in Košice;
- xii. **Schedule of performed training activities** with time and location;
- xiii. **Template for the entry test of participants;**
- xiv. **Template for the exit test of participants;**
- xv. **Template of the training certificate.**

**Analysis:**

The justification and substantiating evidence provided by the Slovak authorities cover all constitutive elements of the target. In particular:

- 1) **Implementation of a pilot project to validate the proposed activities and solutions to increase digital skills among a sample of 1000 seniors and disadvantaged persons. This shall be achieved by completion of a training program followed by distribution of subsidised equipment.**

According to the pilot project summary (p. 6), the pilot project was completed by 30 June 2022 with training in digital skills completed for 1423 seniors and disadvantaged persons. In line with the pilot project summary (p. 26) and the document 'Evidence on the number of delivered IT devices' providing the list of unique device identifiers IMEI, a total of 1423 tablet devices (HUAWEI, model MatePad T10s) were distributed to the participants to the training.

**2) Number of seniors and disadvantaged persons trained in basic digital skills (1000).**

The summary document explains that two target groups for the project were selected on the basis of the recommendations of the Preparatory Study of the project prepared by the P.J. Šafárik University in Košice: i) persons above 65 years of age representing the seniors' category, and ii) persons with disabilities as the selected target group from the disadvantaged persons category. According to the pilot project summary (p. 6), all 1423 participants (369 male, 1054 female) were above 65 years of age. The same piece of evidence together with the list of issued training program certificates and the exit questionnaires clearly demonstrate that, of the total 1423 participants, 92 persons belonged to disadvantaged groups (due to a health disability) and 326 were living alone. Outside the context of this target, the authorities have indicated that in the implementation phase of the project (target C17-22) they intend to expand the scope of people covered by including disadvantaged people under 65 years of age.

**3) Provision of subsidized technological equipment (tablet or alternatives) together with vouchers for internet access provision.**

The authorities provided in the document 'Evidence on the number of delivered IT devices' unique device identifiers IMEI for a total of 1423 tablet devices. In addition, the copies of the anonymised donation contracts that feature the date of birth of the beneficiary and the IMEI identification number of the donated device were provided for a sample of participants selected by the Commission. Furthermore, the measure description in the Council Implementing Decision requires that the provision of devices occur together with vouchers for internet access. The authorities were requested to provide further clarifications on how this requirement has been met in the observations letter on the second payment request of 9 November 2022. In their reply to the observations letter, the Slovak authorities explained that the delay in provision of data access vouchers to recipients of IT devices was due to a delay in the public procurement process. The authorities subsequently submitted to the Commission the framework contract concluded with a telecom operator on 10 November 2022. The authorities also provided a confirmation letter from the telecom operator dated 7 December 2022 stating that data vouchers have been handed over for delivery to all persons from the list of participants of the project on digital skills of seniors (in total 1452 persons) and an accompanying letter from the Ministry of investments, regional development and informatisation, confirming that all persons reported under this target were covered by the confirmation by the telecom operator.

Considering that this target covers a large number of beneficiaries, in addition to the summary documents and official listings provided by Slovakia, Commission services have assessed a statistically significant sample of individual files. The sample size has been uniformly set at 60, which corresponds to a confidence level of 95% or above in all cases. The provided supporting evidence for the sample of participants confirmed that the selected participants have completed the training program, that they are seniors or disadvantaged persons and that they were provided a technological equipment (tablet) together with a

voucher for internet access. Therefore, the requirements of the target have been met.

**Commission Preliminary Assessment:** Satisfactorily fulfilled