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2026/0266 (NLE)

Proposal for a

COUNCIL IMPLEMENTING DECISION

establishing the satisfactory fulfilment of the conditions for partial payment under the eighth instalment of the Ukraine Plan of the Ukraine Facility

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THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2024/792 of the European Parliament and of the Council of 29 February 2024 establishing the Ukraine Facility[1], and in particular Article 26(4) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) Pillar I of the Ukraine Facility ('the Facility') makes financial support of up to EUR 46 873 049 093,86[2], including the bridge financing, available to Ukraine for the period 2024-2027 in the form of non-repayable support and loans. Financing under Pillar I is allocated on the basis of the Ukraine Plan of the Ukraine Facility ('the Plan'), approved by Council Implementing Decision (EU) 2024/1447.

(2) The timetable for monitoring and implementing the Plan, including the qualitative and quantitative steps that are linked to funding under Pillar I of the Facility, is set out in the Annex to Implementing Decision (EU) 2024/1447[3].

(3) The total sum of financial resources made available for the Ukraine Plan under Implementing Decision (EU) 2024/1447 amounts to EUR 40 873 049 093,86, of which EUR 5 523 049 093,86 is in the form of non-repayable financial support and up to EUR 35 350 000 000 is in the form of a loan. This includes additional budget assistance made available under the Ukraine Support Loan and channelled through Pillar I of the Facility which increases the financial resources available in the form of a loan. An amount of EUR 8 350 000 000 was made available in this way for 2026.

(4) In accordance with Articles 24 and 25 of Regulation (EU) 2024/792, EUR 6 000 000 000 has been disbursed to Ukraine as exceptional bridge financing and EUR 1 890 000 000 in the form of pre-financing, representing an advance payment of 7% of the loan support Ukraine is eligible to receive under the Plan.

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

[2] Council Implementing Decision (EU) 2026/1923 of 30 July 2026 amending Implementing Decision (EU) 2024/1447 on the approval of the assessment of the Ukraine Plan (OJ L, 2026/1923, 7.8.2026, ELI: http://data.europa.eu/eli/dec_impl/2026/1923/oj).

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

(5) In accordance with Article 26(4) of Regulation (EU) 2024/792, EUR 21 640 176 104 has been disbursed to Ukraine in the first seven instalments under the Plan. Of that amount, EUR 3 924 252 880 has been disbursed in the form of non-repayable financial support and EUR 17 715 923 224 in the form of a loan. In accordance with the Loan Agreement concluded between the Union and Ukraine pursuant to Article 22 of Regulation (EU) 2024/792, an amount of EUR 1 333 456 586 from the first seven instalments was used to clear the pre-financing of the loan.

(6) In accordance with Article 26(2) of Regulation (EU) 2024/792, on 24 August 2026 Ukraine submitted a duly justified request for the payment of part of the fifth, seventh and eighth instalments of the non-repayable financial support and of the loan support, amounting to EUR 3 333 597 327. The request also covered three steps under a subsequent instalment. The request was accompanied by a series of documents presented as evidence for the satisfactory fulfilment of one step in the fifth instalment, three steps in the seventh instalment, four steps in the eighth instalment, and three steps in the ninth instalment. Ukraine also submitted all documents required under Article 12 of the Framework Agreement, Article 5 of the Financing Agreement and Article 6 of the Loan Agreement concluded between the Union and Ukraine pursuant to Articles 9, 10 and 22, respectively, of Regulation (EU) 2024/792.

(7) The steps underpinning Ukraine’s latest request relate to various reforms set out in the Plan under the chapters on the judicial system, financial markets, human capital, the business environment, the energy sector, transport, the agri-food sector, and the green transition and environmental protection. The resilience assessment of the banking system has been published. The legislation on access to information about external engineering networks has entered into force. The report on the implementation of the state support provided through the State Agricultural Register has been published. The legislation revising the declarations of integrity of judges and the process for verifying the declarations has entered into force. The legislation to support the development of efficient and more sustainable district heating has entered into force. A new electricity market operator has been appointed. Legislation on traffic safety and the interoperability of railway transport has entered into force. Legislation to improve the resolution of non-performing loans has entered into force. An operational plan of measures to overcome gender pay gaps has been adopted. Amendments to the procedure for state water monitoring has been adopted.

(8) In line with the methodology for handling the partial fulfilment of steps adopted by the Commission on 16 April 2026[4], it should be possible to adjust the suspension value to take into account mitigating factors.

(9) In accordance with Article 26(3) of Regulation (EU) 2024/792, the Commission has assessed Ukraine’s request in detail and made a positive assessment of the satisfactory fulfilment, as specified in the Annex to this Decision, of one outstanding step required for the fifth instalment, three of the outstanding steps required for the seventh instalment, and three of the seven steps required for the eighth instalment. The Commission has assessed that the evidence provided for one of the steps required for the eighth instalment is not sufficient to conclude that it is satisfactorily fulfilled. This assessment has been made in the context of the implementation of the Plan. Further

[4] Communication from the Commission amending the methodology for handling the partial fulfilment of steps in the Ukraine Plan under the Ukraine Facility Regulation and replacing Communication C(2025) 1725 (OJ C, 2026/2328, 17.4.2026, ELI: http://data.europa.eu/eli/C/2026/2328/oj).

alignment with the Union *acquis* will be facilitated through the EU accession process. In addition, the Commission made a positive assessment of the satisfactory fulfilment of three steps in the ninth instalment and has included its assessment of those steps in the Annex to this Decision. That assessment is undertaken solely with a view to the application of the partial payment methodology and is without prejudice to the full assessment of the ninth instalment. It does not entail a double payment for the steps concerned. Based on that assessment and in line with the methodology for handling the partial fulfilment of steps in the Ukraine Plan, it is proposed to reduce the suspension value relating to the unfulfilled steps under the eighth instalment, while ensuring that sufficient incentives are maintained for Ukraine to implement the non-fulfilled steps. The three steps satisfactorily fulfilled from the ninth instalment have been taken into account in determining the proposed reduction of the suspension value.

(10) In its payment request, Ukraine confirmed that it has not reversed any measure related to the steps which it had previously satisfactorily fulfilled.

(11) The Commission has further assessed that Ukraine continues to fulfil the pre-condition for Union support set out in Article 5 of Regulation (EU) 2024/792. In particular, Ukraine continues to uphold and respect effective democratic mechanisms, including a multi-party parliamentary system and the rule of law, and to guarantee respect for human rights, including the rights of persons belonging to minorities.

(12) This Decision should therefore establish that Ukraine has satisfactorily fulfilled the relevant conditions for the payment of the fifth instalment in respect of one outstanding step under the Plan, of the seventh instalment in respect of three outstanding steps and of the eighth instalment in respect of three of the seven steps.

(13) Considering Ukraine’s urgent financing needs, it is of the utmost importance to disburse the funds as soon as possible. Given the urgency of the situation and with a view to expediting the process, this Decision should enter into force on the date of its publication in the *Official Journal of the European Union* and should apply from the date of its adoption,

HAS ADOPTED THIS DECISION:

Article 1

Establishment of the satisfactory fulfilment of the conditions for the payment

1. The satisfactory fulfilment of the relevant conditions for the partial payment of the fifth, seventh and eighth instalments of the non-repayable financial support and of the loan support amounting in total to EUR 3 047 005 318,86 before clearing the pre-financing, out of which EUR 386 258 902 corresponds to the fifth instalment, EUR 368 010 367 corresponds to the seventh instalment and EUR 2 292 736 049,86 corresponds to the eighth instalment, is hereby established in line with the assessment provided by the Commission in accordance with Article 26 of Regulation (EU) 2024/792 and annexed to this Decision.

2. The application of a mitigating factor is established, taking into account the satisfactory fulfilment of three steps under the ninth instalment, the importance of the steps that have not been fulfilled and the reasons for their non-fulfilment, as well as the importance of the quantitative and qualitative steps that have been fulfilled early. The application of the mitigating factor shall lead to the suspension value corresponding to the unfulfilled steps under the eighth instalment being reduced by the amount of EUR 1 146 368 024.

Article 2

Entry into force

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

It shall apply from the date of its adoption.

Done at Brussels,

For the Council
The President