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Answer given by Executive Vice-President Fitto
on behalf of the European Commission
(31.3.2026)

Milestone E1L of the Council Implementing Decision (CID) Annex¹ approving the Polish recovery and resilience plan² (RRP) requires a legal act setting an obligation to create low-emission zones (LEZ) in cities with more than 100 000 inhabitants where there is an excess of nitrogen dioxide. There is no specific EU law requirement to establish LEZ under this condition.

Following a payment request, the Commission assesses whether the relevant milestones as set out in the CID are satisfactorily fulfilled. The scope of assessment for LEZ is determined by milestone E1L, related milestone E2L and the measure description.

The Commission would like to draw the Honourable Member's attention to the Commission's report³ from 19.9.2023 on the implementation of the Recovery and Resilience Facility. According to Article 24(3) of Regulation (EU) 2021/241⁴, the satisfactory fulfilment of milestones and targets requires that previously fulfilled milestones and targets have not been reversed by the Member State concerned. Whether a modification by the Member State fulfils this requirement can only be assessed on a case-by-case basis. In general, a change of a reform that would still meet all requirements of the respective milestone(s) would not be considered problematic.

¹ <https://data.consilium.europa.eu/doc/document/ST-15795-2025-ADD-1/en/pdf>.

² https://reforms-investments.ec.europa.eu/polands-recovery-and-resilience-plan_en.

³ Report from the Commission to the European Parliament and the Council on the implementation of the Recovery and Resilience Facility: Moving forward, COM(2023) 545 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=COM:2023:545:FIN>.

⁴ <https://eur-lex.europa.eu/eli/reg/2021/241/oj/eng>.