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Negotiated and negotiable? Contractual governance and the flexibility of the EU's recovery and resilience facility

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ABSTRACT

This article examines the flexibility of the Recovery and Resilience Facility (RRF). It asks under what conditions modifications to the original National Recovery and Resilience Plans (NRRPs) have been accepted by the European Commission and the Council. In theoretical terms, the article revisits the nature of NRRPs as tools of EU economic governance. By drawing on applications of contracting theory to multi-level governance, it argues that NRRPs are best understood as contracts establishing mutual duties and enforcement mechanisms between the different layers of the EU polity. As with any contract, NRRPs face a trade-off between abiding to the original commitments versus being adaptable to implementation contingencies and exogenous shocks. The article studies how the RRF's performance-based financing system has navigated this trade-off in practice. Based on a dataset that includes all revisions introduced in the 27 NRRPs between 2021 and 2024, the article shows a degree of designed flexibility due to 'objective circumstances' based on Article 21(1) of the RRF Regulation. Yet, the qualitative analysis of these changes unveils a broad interpretation of the latter, which opens the door also to 'emergent flexibility'. Ultimately, contractual governance is a guiding normative aspiration rather than a legal reality.

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KEYWORDS Contractual governance; recovery and resilience facility; performance budgeting; European semester; conditionality

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Introduction

The establishment of the Recovery and Resilience Facility (RRF) in 2021 transformed the EU's socioeconomic governance. A key innovation of the RRF is its 'performance-based financing model': a form of 'financing not linked to costs' (Schick, 2003) but conditional upon the staggered implementation of reforms and investments during the 2021–2026 period. These country-specific lists of reforms and investments are detailed in so-called National Recovery and Resilience Plans (NRRPs), which constitute forward-looking reform agendas aimed at transforming the growth models of EU member states.

NRRPs, thus, stand at the centre of the RRF framework. Existing research has analysed their policy content (Ceron, 2023; Guillén et al., 2022), drafting (Domorenok & Guardiancich, 2022), implementation processes (Kaniok, 2025), and role in post-2020 EU economic governance (Fabbri, 2025; Lippi & Terlizzi, 2024; Schramm & Terranova, 2024), especially regarding authority relationships within the European Semester (Vanhercke & Verdun, 2022). A specific yet arguably illuminating aspect of this last dimension is the focus of this article, namely, the extent to which NRRPs can be modified during their six-year implementation period.

Existing scholarship coincides to define as largely coordinative and consensual (Bokhorst & Corti, 2024; Ladi et al., 2024; Miró et al., 2024) the drafting process of the NRRPs. Each NRRP was negotiated during 2020 and 2021 between the concerned member state and the European Commission and subsequently subject to approval in the Council. Since EU institutional memory was wary of the problems caused by a lack of national ownership of reform agendas during the euro crisis, the definition of reform trajectories was largely in the hands of national executives. However, once approved, the counterpart to such discretion for the member states was rigid ex-post enforcement. Linking payments to policy implementation promised addressing the lack of teeth of the pre-2020 European Semester (Bokhorst, 2022). This dynamic had eroded the trust towards the EU fiscal governance regime, especially among Northern European member states (Miró, 2022).

The argument of this article is that the intersection between these intergovernmental mistrusts, institutional path-dependencies, and policy learning dynamics inherited from the euro crisis (Angelou, 2025; Ladi & Tsarouhas, 2020), crystallised in a new mode of governance, shaping the functioning of the RRF. The defining logic of this mode of governance is the contractualisation of policymaking dynamics, task allocations, and authority relationships. Drawing on developments in contract theory (Hart & Moore, 2008) as applied in multi-level governance (MLG) studies (Brousseau, 2017; Charbit, 2020; OECD, 2007), we argue that, in analytical terms, NRRPs are best understood as contracts that establish mutual obligations between the parties to carry through specific tasks within defined time frames. A key aspect of this

theory is to understand the so-called rigidity vs. flexibility trade-off underlying contractual obligations: contracts are meant to provide stability and reduce conflict by fixing mutual commitments (Schick, 2011, p. 3), yet, real-world implementation often requires ex-post adaptation in response to contingencies and exogenous shocks.

The general insight carried by the rigidity-flexibility trade-off seems relevant to analyse the design and implementation of the RRF. Formally, its contractual character enables stringent monitoring of committed reforms by the Council and the Commission, while (at least under the original 2021 Regulation of the Facility) leaving little margin to modify NRRPs after their approval (Di Mascio & Natalini, 2023, p. 248; Rubio, 2022, p. 14). But contractualisation has downsides too, both in terms of policy performance and democratic accountability. In terms of performance, both observers (Bokhorst & Corti, 2024, p. 731; Schramm et al., 2022, p. 121; Zeitlin et al., 2023) and member states (Corti et al., 2023, p. 195) have pointed out that detailed planning of six-year reform tracks in the normative manner in which the NRRPs do -payments in exchange for results- may lead to difficulties when dealing with unforeseen contingencies and implementation issues, while hindering policy learning over the course of implementation. In addition, tying democratically elected governments to six-year reform plans entails problems of democratic accountability: while linking changes in government to changes in policies is the point of democratic elections, the Regulation of the RRF makes clear that changes in the NRRPs are only justified by 'objective circumstances' (EU, 2021: Art. 21).

Against this background, this article explores how the RRF governance system has struck a balance between maintaining the original reform commitments while being flexible enough towards ex-post adaptation to unforeseen contingencies. Under what conditions have modifications to the original NRRPs been accepted by the Commission and the Council? And more generally, what are the effects of the contractualised nature of RRF governance on compliance with EU reform guidance?

In order to examine these questions, we built a database with all the revisions introduced by the member states in their NRRPs, and positively assessed by the Council, during the 2021–2024 period ($N = 1634$). In order to grasp the nature of allowed modifications, we coded for each revision its legal basis, the justifications provided by the member state, as well as the kind of change that it entailed. We triangulated the findings with interviews with senior officials involved in the implementation of the RRF.

Our contribution to the literature is twofold. On the theoretical plane, we revisit the nature of NRRPs as tools of EU economic governance. We develop the notion of contractual governance to capture a particular way of assigning responsibilities and defining commitments across the different levels of the EU polity and argue that this mode of governance faces a crucial trade-off

between adherence to agreed reform commitments and adaptability to unforeseen contingencies. Because this trade-off is inherent to long-term contracts, especially when these impinge upon core state powers closely tied to national sovereignty, we expect that NRRPs, even when well-specified and rule-bound, depart from the image of rigid legal arrangements and instead reflect a flexible and politically contingent process.

In empirical terms, we explore this argument by investigating how much and what type of ex-post adaptation has provided the RRF in practice. Our findings reveal that the NRRPs of the 27 Member states present a degree of ‘designed flexibility’ (Búzás & Graham, 2020) grounded in ‘objective circumstances’ as stipulated in Article 21(1) of the RRF Regulation. However, the qualitative analysis of the modifications also unveils a broad interpretation of this provision, giving rise to ‘emergent flexibility’ (i.e., flexibility not formally crafted by legislators) (Búzás & Graham, 2020). As a result of this flexibility, national governments have been able to modify NRRPs with substantial political discretion.

The article proceeds as follows. In the next section, we propose a definition of contractual governance and an analytical framework to capture its logics of functioning in the RRF case. The third section explains the research design, methodology, and unpacks our main research questions. Section four overviews in aggregate terms the main results of our coding exercise of the revisions of the NRRPs. Section five, in turn, develops a more in-depth qualitative discussion of how the member states have used the formal and informal flexibilities of the official Regulation to propose changes in their NRRPs, as well as of how the Commission and the Council have dealt with these amendments. This qualitative analysis follows a logic of illustration rather than systematic testing. It focuses on different vignettes that represent the different mechanisms through which amendments have been included in the plan. The last section concludes by developing some insights on a future research agenda about contractual governance in the EU.

Approaching the RRF as a form of contractual governance

Contracts as multi-level governance tools

The RRF introduces a new method through which socioeconomic decisions are made and implemented across its multi-layered political system. Both the academic literature and the official Regulation of the RRF define its governance system as ‘performance-based budgeting’ (EU, 2021: preamble para. 53; Bokhorst & Corti, 2024). What is distinctive about this governance design is a strong focus on ex-post performance conditionality: the disbursement of funds towards the member states is conditional upon them implementing reforms and investments.

The list of commitments to be implemented by each member state is detailed in the NRRPs, strategic documents that comprehensively precise the content and timeline of the measures to be implemented between 2021 and 2026, as well as the biannual payments received in exchange. The reforms, investments, milestones, targets, costs, payments, and timetables are outlined in greater detail in the Council Implementing Decisions (CIDs) accompanying the NRRPs, which are legally binding documents (in contrast to the NRRPs), and further elaborated in Operational Agreements (OAs) between the Commission and each Member State, which specify the documentation necessary to verify these agreements. From an operational perspective, NRRPs occupy, therefore, a central steering role within the RRF framework. The argument of this article is that, in conjunction with the CIDs and OAs, NRRPs establish an arrangement that is meant to have the form of a contract, or at least, that is best understood as a contract.

Essentially, a contract is an agreement between two or more parties that creates a set of binding duties and rights (Brousseau, 2017; Wildavsky, 1964). When enacted as governance tools, contracts define authority relationships between higher and lower levels of government (the assignment of decision rights), mutual duties among the contracting parties (a distribution of contributions), and enforcement mechanisms to make commitments credible (Brousseau, 2017, p. 5; OECD, 2007). Four features stand out in contracts as instruments of governance. First, the notion of obligation is critical, as contracts are not expressions of intent or wish-lists, but obligations that must be met. Its goal is to provide clarity, security, and stability to the relationships between the parties (Schick, 2011). As such, contracts are binding and, by definition, difficult to reverse or modify once agreed. Second, contracts have a constrained nature. In contrast to undetermined endeavours, contracts are set up to pursue specific objectives within clearly defined time frames; as such, they come to an end when the goals are fulfilled. Third, contracts are subject to control and enforcement mechanisms, which imply accountability for fulfilling their terms and penalties for non-compliance (Schick, 2011). Monitoring and enforcement mechanisms are important during implementation to ensure that actors use resources for the purposes stipulated in the agreement (Charbit, 2020, p. 815). Finally, contracts, both in business and public administrations, operate, at least in a formal sense, horizontally, since the parties entering negotiations do so on the basis of mutual consent (Cooper, 2003).

Contracts as tools of multi-level governance (MLG) display, however, a distinctive feature: they are political instruments inherently embedded in asymmetric power relations. In the EU polity, member states differ in fiscal capacity, administrative competence, and bargaining leverage vis-à-vis supranational institutions. The bailout agreements adopted during the euro-area crisis are a good example of this. While they formalised mutual commitments

and linked disbursements to compliance, they operated as imposed conditionality regimes, negotiated under emergency lending frameworks that left recipient member states with minimal bargaining power and limited policy ownership. Their monitoring arrangements were hierarchical, implemented by the Troika rather than through a jointly constructed EU governance framework. The RRF represents a qualitative shift from this model. Informed by the legitimacy deficits of euro-crisis governance, it reflects an evolution in the mode of contractual governance: from a top-down, coercive logic towards a hybrid system that combines bottom-up national discretion in policy design with top-down supranational discipline in setting overarching objectives and conducting ex post monitoring (Miró et al., 2024; Vanhercke & Verdun, 2022).

The politics behind contractual governance in the EU

Approaching the RRF as a contractual governance tool inherently political, born from the Eurozone's legitimacy crisis, intergovernmental bargaining and supranational agency (Fernández-Pasarín & Lanaia, 2025), underscores three important aspects of its functioning that are obfuscated by narrower concepts such as 'performance budgeting' (Bokhorst & Corti, 2024) and 'spending conditionality' (Vita, 2017). First, it underlines the essential political context, particularly its legitimization dynamics both at the domestic and EU levels, within which the RRF was established. At the EU level, driving the turn towards contractual governance is the 'intergovernmental dissensus' (Hansen & Lovering, 2023, p. 27) between net contributors and net beneficiaries to the EU budget that has long structured the politics of economic governance in the EU. The RRF was possible through an agreement between a coalition of Southern European member states that, in the context of the COVID19 downturn, pushed for the issuance of common European debt as a way to prop up their recoveries, and a Northern coalition of fiscally hawkish countries (led by the so-called Frugals) that had traditionally opposed any form of EU-level debt mutualisation. The second group was only willing to accept a new fiscal capacity at the EU level if it came with a strict conditionality regime to monitor and shape the use of EU transfers by the Southern European members (i.e., by the biggest beneficiaries of RRF money) (Miró, 2022).

Understood against this political background, NRRPs are first and foremost commitment-control devices in a context where trust between member states is weak after years of controversies regarding the fiscal conduct of Southern member states and the failure of the Commission to exert influence on them through the Stability and Growth Pact (SGP) (Miró, 2021). Politics in which mutual trust is more widespread rely less on rigid contracts and more on open-ended arrangements that are adaptable to

changing circumstances (Hooghe et al., 2019, p. 15). Contracting across levels of government emerges as an instrument to generate trust in a context of uncertainty and divergence of interests (Brousseau, 2017, p. 9; Héritier, 2013, p. 235), since it establishes rights to control the future behaviour of other actors under well-specified circumstances, thus providing a source of security.

Second, NRRPs enable a strict enforcement procedure, with the conditions to release payments being under the control of several supranational (the EC) and intergovernmental checks (the Council, the Economic and Financial Committee and the RRF Comitology committee) (Fernández-Pasarín & Lanaia, 2025). This multiple checkpoint system makes more sense for purposes of surveillance than better performance, as performance, especially in sectors requiring innovation (such as the green and digital transitions), is not easy to pre-define and plan (Miró et al., 2024, p. 1625). In the same line, in contrast to the focus on outcomes (impacts) that define performance-based budgetary systems (Schick, 2003), the RRF makes disbursement mostly dependent on outputs (adopted policies) (Darvas & Welslau, 2023), which are much easier to predict and verify.

In third place, it also makes more sense for the purpose of surveillance rather than performance the limited room for ex-post adaptation of NRRPs. This is in line with the idea that it is essential to design contractual commitments that are credible and stable, to avoid ex-post haggling and feelings of aggrievement (Brousseau, 2017). Parties to a contract promise to deliver something in the future, and therefore, any changes to this commitment should be avoided.

The 2021 Regulation establishing the RRF (EU, 2021) leaves indeed little room for deviation from the commitments outlined in the original NRRPs. Revisions can be requested on the basis of four legal grounds. Article 21(1) stipulates that the amendments to the NRRPs can only be introduced if relevant milestones or targets 'are no longer achievable [...] because of objective circumstances' (EU, 2021). When a Member State considers that this is the case, it can propose an amendment to the Commission and the Council, which, in case of positive assessment, will modify the initial Council Implementing Decision on the NRRP.

The 2021 Regulation offers two further mechanisms to introduce amendments. Based on Article 14(2), member states can request loan support from the RRF until 31 December 2023 (EU, 2021: Art. 14) On the other hand, based on Article 18(2), member states can also submit amendment proposals following the update, in June 2022, of the maximum financial contribution received by each country (EU, 2021: Art.18).

Finally, in February 2023, the Council and the European Parliament adopted Regulation (EU) 2023/435 as part of the EU's response to Russia's war against Ukraine and its implications for European energy security (EU,

2023). REPowerEU allowed for the introduction of changes in the NRRPs related to energy diversification, reduction of fossil fuel dependency, and acceleration of the net-zero transition. These modifications adopted the form of an added chapter to the initial NRRPs.

Overall, therefore, at least on paper, the RRF framework leaves little room for modifying NRRPs once approved (except if they are related to the 2022 energy crisis). The rationale behind this limited room for manoeuvre is to strengthen the credibility, predictability, and enforceability of NRRPs: by specifying expected deliverables, the plans create a basis for evaluating the performance of governments' actions. Since financial transfers and their use are monitored on a frequent basis and always require precise justification, a strong trend towards a 'hardening' (Bocquillon et al., 2024) and formalisation of policymaking constraining future discretion follows.

The rigidity-flexibility trade-off in EU economic governance

The reliance on *ex-ante* formulation of expected goals and long-term reform trajectories raises, however, political and procedural issues. In political terms, tying democratic governments to six-year plans entails problems of both political feasibility and democratic legitimacy. Control-like pre-commitments are meant to ensure time consistency: since elected officials face pressures to delay reforms for a variety of reasons, tying their hands with stringent rules provides a shield to resist these pressures (Elster, 1979, pp. 93–96). But the point of democratic elections is that a new electoral mandate allows altering the plans of the preceding executive, especially because predecessors may have tried to constrain the political competitors' discretion with their budgetary plans (Persson & Tabellini, 2000).

On the other hand, in terms of operational efficiency, the reliance on highly detailed six-year reform pathways might encounter problems when faced with unforeseen developments. When assessing the governance architecture of the RRF, Zeitlin et al. (2023, p. 15) argue that a 'central problem with performance-based management systems is their difficulty in coping with unanticipated changes in environmental conditions and uncertainty about future states of the world'. At least at the beginning of the RRF implementation in 2022, the officials responsible for this implementation at the national level shared this perception. A high-ranked official from the Spanish Ministry of Social Affairs, for instance, stated that:

'My opinion is that on some issues, they [the Commission's officials] may suffer from a certain rigidity. Since the plan was designed until now that we are putting it into action, there are issues that are taking a different form. This is a half-real, half-invented example: we proposed investments in accessibility, and in principle, we were thinking of large construction works in buildings. But perhaps we are finally making another type of accessibility investment

that has to do with putting elevators or adapting webpages. When things are landing, sometimes they take different schedules, and they do not correspond exactly to what was proposed'. (Interview 2)

This problem is particularly acute when dealing with complex and new policy challenges, for which most of its solutions are relatively unknown and therefore 'policy learning' (Dunlop & Radaelli, 2018) in the course of implementation is required. This is clearly the case of the net-zero transition (Sabel & Victor, 2022), a central objective of the RRF. To address this type of challenge, mechanisms that incentivise local experimentation and exchange of best practices, in turn feeding incremental revisions of project guidelines, are essential to policy performance (Sabel & Victor, 2022).

However, both observers and national policymakers perceived both the Regulation and the Commission's (initial) approach to monitoring the implementation of the NRRPs as overly rigid, leaving little space for interpretative flexibility and ex-post modifications (Zeitlin et al., 2023, p. 7). The excessively burdensome procedures for introducing modifications to NRRPs, which in addition must be detailed in a very precise manner, are seen as hindering the efficiency of the Facility by several member states (Corti et al., 2023, p. 194). Furthermore, minor and major amendments are not subject to separate procedures. According to a survey to national authorities in charge of implementation, 25 out of 39 officials think that the RRF's capacity to adjust to changing conditions is excessively limited (Corti et al., 2023, p. 195). By contrast, the European Court of Auditors considered, in its review of the RRF, that the fulfilment of some milestones in some NRRPs is 'ambiguous and open to interpretation' (ECA, 2023, p. 23).

It is in the context of these discussions that the question of the rigidity-flexibility trade-off underlining contractual commitments becomes relevant. Generally, rigid contract rules are easier to monitor and enforce, therefore better anchoring subsequent debate and providing assurances to contracting parties, but they are more difficult to adapt to changing conditions. Conversely, when the rules are too flexible or contracts remain 'incomplete' (Hooghe et al., 2019, p. 14), they allow for adaptability to address unforeseen challenges, but they also might facilitate opportunistic behaviour, thereby hindering enforcement and generating distrust (Doleys, 2009). An optimal contract trades between these two poles (Hart & Moore, 2008).

In relation to EU economic governance, particularly in the context of the governance of the Stability and Growth Pact (SGP) through the European Semester, the political 'weakness' (Alexander-Shaw et al., 2023) of the central actors when it comes to adjudicating on compliance exacerbates the trade-off between these principles (Buti, 2016). The SGP was originally established based on the assumption that 'rules rather than discretion' (Kydland & Prescott, 1977) should prevail, an assumption reinforced by the reforms adopted in response to the euro crisis (2010–2012) (Schmidt,

2020). However, in the face of economic and legitimacy problems, the steering of the Semester by the Commission since 2014 made the application of the SGP more sensitive to country-specific economic and even political developments (Mérand, 2022). This, however, led to an increasing dissatisfaction among fiscally conservative Northern member states with the Commission's role as fiscal watchdog, which was accused of being 'politicised' (Miró, 2021). It was against this background that the Frugals requested as a condition for the establishment of the RRF a conditionality framework aimed at guaranteeing that the member states would stick to their RRF commitments.

The literature on international governance has developed the concepts of 'designed flexibility' and 'emergent flexibility' to account for the in-built adaptability embedded in international agreements. 'Designed flexibility' mechanisms, such as amendment provisions, escape clauses or even intended ambiguous formulations, allow actors to modify their actions within the boundaries of agreements or modify the terms of the agreements in the light of new circumstances (see also Cooley & Spruyt, 2009; Búzás & Graham, 2020, p. 821). 'Emergent flexibility', in turn, is rooted less in the formal design of the agreement itself and more in actors' informal reinterpretation of the terms of the contract (Búzás & Graham, 2020, p. 821). The idea is that, particularly when it comes to agreements between sovereign states, national governments retain a margin of interpretation about the way the rules are instantiated in practice. Emergent flexibility reflects, thus, a strategy of selective enforcement, justified as consistent with the 'spirit' rather than the 'letter' of the contract. It depends on the ambiguity within institutional rules and serves the function of adjusting agreements and reweighting commitments while maintaining the appearance of continuity and rule adherence.

In fact, recent history of EU economic governance provides instances of a recurrent trend by EU institutions to rely on 'emergent flexibility' practices to circumvent strict rules-based mandates: according to Schmidt (2020), the move away from austerity from 2014 onwards was based on a reinterpretation of the rules by stealth: 'reinterpreting the rules and recalibrating the numbers without admitting it in their public discourse'. A similar dynamic happened in relation to the ECB's turn towards unconventional monetary policy in the aftermath of the euro crisis (Matthijs & Blyth, 2018). In the EU's political system, where multiple veto players hamper rule change while powerful technocratic actors, precisely because they are technocratic, lack the legitimacy to openly challenge fundamental norms, emergent flexibility often becomes the most workable option.

Methodological design

Building on this conceptualisation of NRRPs as instruments of contractual governance, this article examines the extent to which the formal design of

the RRF, as well as the interpretation of it by the Commission and the Council, have enabled member states to modify their original NRRPs. It aims at identifying what kind of circumstances and justifications allowed these revisions, as well as the nature of the modifications. Because contractual governance entails a tension between fidelity to original arrangements and contingent adaptability, we expect a transition from a contractual governance operating under a logic of credible commitments and designed rigidity to a form of contractual governance infused by learning mechanisms easing emergent flexibility. Thus, even if well specified and anchored in formal rules, NRRPs are likely to diverge from the fixed legal template and instead operate as adaptive instruments shaped by ongoing political dynamics.

In order to examine these questions, the study relies on a novel dataset¹ of all the changes introduced by the member states in their NRRPs between 2021 (the year in which they were adopted) and December 2024 ($N=1634$), that is, during its four first years of implementation. This timeframe was selected as it covers at least one round of revisions requested by each Member state and coincides with the first year of deployment of the REPowerEU chapter.

These changes are listed, explained and justified in two official documents: the Council Implementing Decisions adopted by the Council each time it approves a package of amendments to a specific NRRP; and the European Commission's Staff Working Documents analysing the requests submitted by each member state to amend its NRRPs (see, for instance, European Commission, 2023b). When necessary, we have triangulated these documents with comparisons between the original and updated NRRPs.

For each single amendment, we have coded the following six aspects: the member state submitting the amendment; its date of approval; the legal basis upon which the amendment is based (article 21(1), article 14, or article 18(2) of the RRF Regulation, or article 21(c) of the REPowerEU plan); the type of argument given by the member state in order to justify the change; the type of measure being modified (reform or investment); and the scope of modification implied by the amendment. For the last dimension, we have inductively developed a seven-fold typology of modifications: (1) postponement of the measure; (2) amendment implying higher ambition; (3) amendment implying lower ambition; (4) medication of a measure maintaining the level of ambition; (5) new measure; (6) substitution of one measure for another; and (7) suppression of the measure. Amendments consisting only in the correction of clerical errors have not been coded.

To code the type of arguments given by the member states to justify the amendments, we also inductively developed a coding scheme of 13 categories (see Figure 3). For each amendment, a maximum of two justifications were coded. An important limitation of our data is that, in some cases, the explicit justifications given by the member state might conceal other

reasons. We assessed inter-coder reliability for the type of justification variable. A second coder independently coded a verification subset ($n = 322$), with up to two codes per observation. Because this is a multi-label setup, we treated each justification as a binary tag (present/absent) and computed Cohen's kappa across all item-by-label decisions (micro-average). Overall percent agreement was 0.96, and Cohen's $\kappa = 0.75$ (95% CI 0.70–0.79). The macro-average of per-label κ 's was 0.69 (95% CI 0.59–0.75). Exact-set agreement (both coders chose exactly the same set of justifications) was 0.65. According to Stemler (2000), this indicates 'substantial' inter-coder agreement.

The amendments to their NRRPs are submitted by the member states in packages of amendments. Our dataset does not include rejected amendments by the Commission or the Council. It is worth noting, however, that there are no cases of officially rejected amendments: the Commission preemptively negotiated with the member states the amendments they would submit (Interview 1, EC, Brussels, 29 April 2024).

The following section presents some descriptive statistics of the content analysis exercise. It is followed by a section that complements the quantitative findings with a more in-depth qualitative analysis of some of the amendments, which allow us to better grasp the parameters under which the original NRRPs were modified during implementation. In this section, the discussion is supported by information given by four semi-structured interviews with senior officials directly involved in the implementation of the RRF at the European or national level (Appendix 1). Conducted in Brussels (3) and online (1) between May 2022 and April 2024, the interviews lasted around 45 min and raised similar questions about the perceptions of RRF rigidity-flexibility trade-off. Findings were triangulated with primary and secondary sources.

Ex-post adaptation of the RRF in practice

Figure 1 shows that all member states have revised their NRRPs at least once, demonstrating that plan adaptation has been a general feature of the RRF implementation process. The largest beneficiaries – most notably Italy and Spain – submitted the highest number of amendments. This suggests a relationship between the size of national allocations and the volume of revisions, with more extensive plans requiring more frequent updates (see Table 1 in the Online Appendix for the number of updates by each member state).

Figure 2 shows that Article 21(1), which substantiates changes resulting from 'objective circumstances', is by far the most used legal basis for amending the NRRPs ($n = 1097$). Following this are modifications related to the new financing opportunities provided by the REPowerEU plan ($n = 250$), followed by changes based on Articles 18(2) ($n = 228$) and 14 ($n = 59$), that is, justified by alterations in available resources.

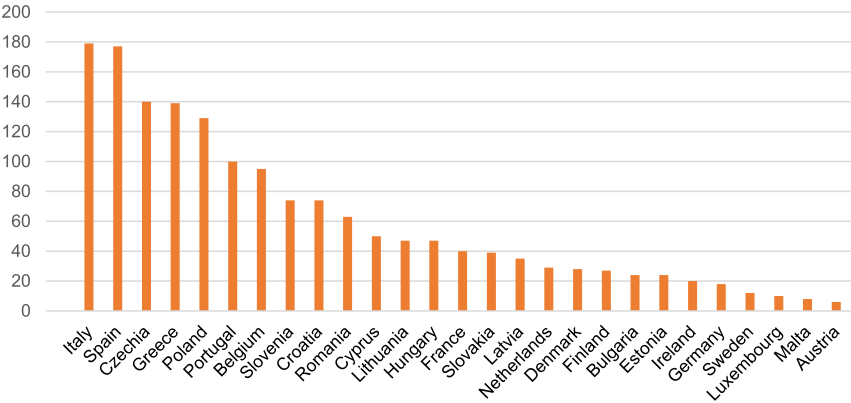


Figure 1. Number of amendments between 2021 and 2024. Breakdown by member states.

Accordingly, Article 21(1) appears to be the principal source of designed flexibility. In what sense are objective circumstances understood, however? There is no definition of objective circumstances in the 2021 regulation establishing the RRF (EU, 2021), nor is there any specification of the range of situations that are appropriate for the use of this clause. It is plausible to hypothesise that the legislators preferred to leave a degree of ambiguity in this regard. Actually, it was not until 2023 when the Commission issued a guidance note that provided the first indications on the interpretation of this article (EC, 2023d): ‘Objective circumstances can render a measure no longer achievable with the estimated level of cost or efficiency or lead to an identification of a better alternative that is more conducive to meeting the same objectives’ (EC, 2023d, p. 14). Importantly, the second clause of the sentence supports the use of Article 21(1) based on the identification of better alternatives, which is arguably a different cause than the existence

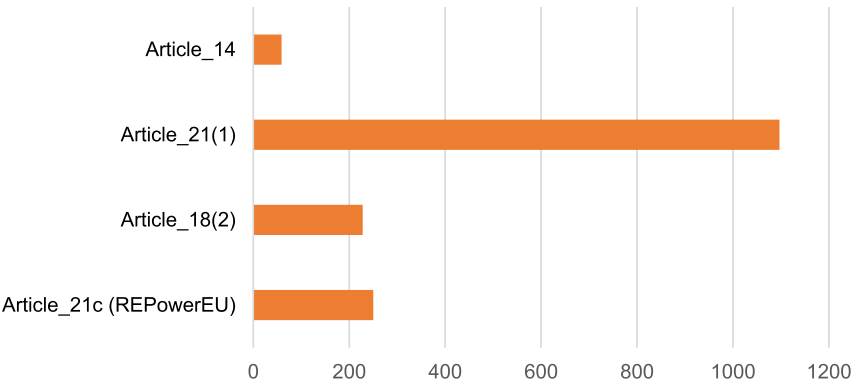


Figure 2. Legal basis of the amendments introduced to the NRRPs.

of hindering objective circumstances. These data suggest that the RRF's contractual framework channels flexibility predominantly through an extended application of designed flexibility, particularly by leveraging the ambiguity inherent in Article 21(1) regarding 'objective circumstances'.

When we examine the actual arguments given by the member states to justify modifications to their plans (Figure 3), 'identification of better alternatives', a concept not originally used by legislators (i.e., Council and European Parliament), appears as the second most frequently used justification ($n = 291$). Only changes due to variations in the financial allocation received by the member states ($n = 331$) are more present in the dataset. After them we encounter seven types of justifications which indeed appear to fit well with the notion of 'objective circumstances': revisions due to macroeconomic reasons (usually high inflation provoking higher costs and thereby less ambitious investments) ($n = 219$), due to supply chains disruptions and bottlenecks ($n = 76$), due to extreme weather events ($n = 10$), because of the domestic consequences of international affairs (usually of the war in Ukraine) ($n = 18$), because of insufficient ($n = 81$) or higher than expected ($n = 3$) demand for project calls, as well as to ensure/accelerate the implementation of measures ($n = 30$). It can also be reasonably included in the notion of objective circumstances revisions motivated by unexpected bureaucratic/technical implementation problems ($n = 184$). In contrast, it is difficult to define amendments justified by explicitly political circumstances ($n = 65$), such as negotiations with stakeholders, parliamentary debates, changes to related legislation, and new policy approaches developed by national authorities, as objective circumstances. The next section takes a closer look at this relatively small but crucial category. A final motivation for amending the NRRPs is to respond to the 2022 and 2023 Country-Specific Recommendations issued in the context of the European Semester ($n = 43$). These

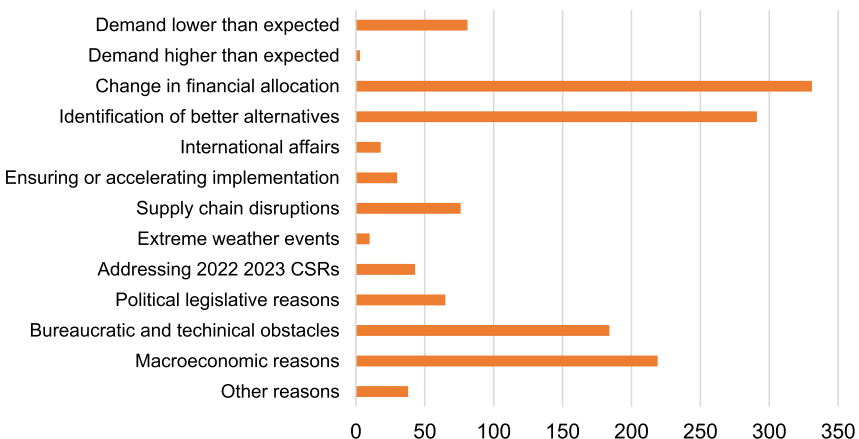


Figure 3. Justifications for amendments to NRRPs.

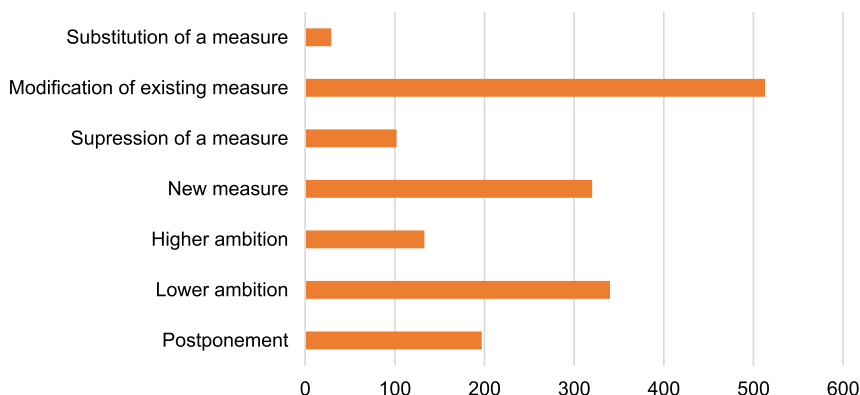


Figure 4. Types of changes introduced in the NRRPs.

findings align with the idea that ambiguous clauses, together with the Commission's interpretive latitude, exemplified by the notion of 'better alternatives', act as tools of emergent flexibility, enabling both EU institutions and member states to adjust to unforeseen contingencies without undermining the credibility of commitments.

In terms of the type of changes introduced in the NRRPs (Figure 4), the most frequent amendments consist in modifications that do not alter the level of ambition of the reform or investment ($n = 513$). Next to it, the second and third most frequent types of changes are amendments that request lower ambition targets ($n = 340$) and the postponement of the timeline for completion ($n = 197$). Thus, the overall picture depicts a generalised difficulty in completing the plans on time and in accordance with the reforms initially agreed to. In the face of these difficulties, NRRPs do not appear as rigid straitjackets, but open to implementation delays and goal reductions. This is all the more surprising given that, in the guidelines on NRRPs revisions issued by the Commission in 2023, it was stated that

The proposed changes should not decrease the overall ambition of the Recovery and Resilience Plans, ensure that the plans continue to meet the CSRs and not lead to a backloading of the implementation towards the last years of the RRF (European Commission, 2023b, p. 15).

It is also an indication of the flexibility demonstrated by the RRF during the implementation of the plans that 320 new measures have been added to them and 102 measures have been suppressed.

Flexible design and flexible application

Article 21(1) constitutes the primary source of designed flexibility in the RRF. In its most conventional use, Article 21(1) has been used by the member

states to redesign their plans in order to address unexpected contingencies beyond their control. For instance, Luxembourg modified Investment 2 of its NRRP, on 'Telemedicine solution for remote medical follow-up of patients', after the product underpinning the originally planned solution was withdrawn from the market. At the same time, the end of the COVID-19 pandemic and an increase in asylum seekers resulted in a change in remote medical monitoring demand. In the new situation, the Luxembourgish government considered it more critical to develop a tool to manage the health files of asylum seekers and assist them in transitioning to the national health system. As a result of this change, resources were saved, which were then redirected to finance new energy policy measures (EC, 2024a).

However, a closer examination of the changes enabled by Article 21(1) reveals a 'drifting' (Streeck & Thelen, 2005) dynamic in its application beyond 'designed flexibility' to 'emergent flexibility' (Búzás & Graham, 2020). On the one hand, the data shows that a heterogeneous set of justifications, some of them relying on overtly political reasoning without any reference to 'objective' implementation contingencies, are mobilised under Article 21(1).

The case of Italy is illustrative of this practice. Italy constitutes a crucial case to test theoretical propositions concerning the RRF since it is the largest recipient of RRF funding (€191.5 billion assigned to the country) and has changed governments three times between 2021 and 2025. The original Italian NRRP was drafted by the second Conte government (September 2019- February 2021) but submitted by the Draghi government (February 2021- October 2022) in April 2021. The new Meloni executive took office in October 2022. The electoral platforms of two of the three parties forming the new cabinet coalition (*Fratelli d'Italia* and *Lega*) pledged to revise significant aspects of the NRRP: in her inaugural address as Prime Minister, Giorgia Meloni decried inherited 'irretrievable delays' in the implementation of the plan, announcing its substantial revision (Di Mascio et al., 2025, p. 15). In August 2023, the Italian government submitted a new plan that contained numerous modifications to align it with its policy priorities: funds originally earmarked for renewable energy projects were partially reallocated to investments aimed at increasing Italy's energy security, such as liquefied natural gas infrastructure; some measures aimed at reducing carbon emissions and promoting circular economy were postponed, scaled back or deleted, undermining, according to critics, Italy's ability to achieve climate neutrality by 2050; investments in social housing were scaled back; and spending on infrastructure and business support programmes was increased, as it was investment in childcare (Council of the EU, 2023b; see also Openpolis, 2023). The modifications of the Meloni government thus involved substantial reallocations across areas, particularly affecting green measures. But the discretion of the government to shift not only policy instruments but also policy

goals can be seen in other areas. For instance, in relation to the 'Investment 4. Satellite Technology and Space Economy of Component 2 of the NRRP, the Meloni government reallocated funds originally earmarked for the Satcom sub-measure, which was about developing commercial satellite applications, towards defence-related satellite technologies, reflecting the government's new focus on national security and on reducing reliance on foreign systems in space technology. The change was framed in the following terms:

Italy explained that the Satcom sub-measure is partially no longer achievable, considering recent market developments related to satellite connections. In particular, the development of several commercial initiatives for the Internet of Things based on small satellites, at the European and global level, discourages a public investment of public resources in this domain and makes it necessary to avoid overlaps with private investments in the initially planned activities. Furthermore, there is the need to align the Satcom sub-measure with the EU IRIS 'Secure Connectivity' initiative, which foresees the development of a state-of-the-art space-based connectivity system to offer enhanced communication capacities, increasing Italy's contribution to this initiative. Italy has therefore requested that the description of the Satcom sub-measure of Investment 4 Satellite Technology and Space Economy be amended in order to refocus it on the development of dual-use technologies and systems for the provision of highly secure innovative satellite communication services for governmental use (Council of the EU [2023b](#))

The European Commission raised objections regarding the reduction in renewable energy investments by Italy. In fact, a senior official at the Commission informed us that several amendments proposed by the Meloni government were preemptively blocked by the Commission, which argued that some changes would cause a conflict with other member states who would also desire the same flexibility (Interview 3).

In any case, discretionary revisions were implemented not only by new governments inheriting NRRPs, but also by incumbent governments revising plans they had themselves adopted. France, for instance, modified in 2023 its reform concerning housing policy 'to reflect France's new approach regarding public support to affordable housing supply' (EC, [2023a](#), p. 4). In the original NRRP, the housing policy reform (C1.R1) aimed to enhance the supply of affordable housing by combining strengthening demand-side instruments (changes in the calculation of the APL housing benefit as well as of the PTZ programme, a scheme financing state-subsidised mortgage loans to first-time homebuyers), as well as reforms in supply-side incentives (reform and phase-down of the Pinel tax credit for private rental investment) (Gouvernement de la République Française, [2021](#)). In the July 2023 amendment, France redefined the milestone and re-specified the reform package around APL, the reform of Pinel, and the promotion of mid-range rental housing (financed by institutional investors) in tight markets, made explicit in the reformed milestone M1-2. In effect, PTZ dropped out of the RRF-monitored reform

package, and the contractual focus shifted towards expanding rental supply through intermediate housing (Council of the EU, 2023a).

In this sense, many amendments were informed by a policy learning logic involving the detection of shortfalls in the course of implementation and, through feedback processes, the subsequent development of innovations and adjustments to the original policies (Dunlop & Radaelli, 2018). Importantly, revisions have not only involved changes in milestones (which are measures of progress towards the achievement of a reform or an investment) but also of the goals of the reforms themselves. For instance, in relation to component C5.1 ‘Temporary additional human resources capacity for care in times of crisis’ of the Dutch NRRP, the Netherlands in effect changed one policy by another:

The Netherlands has proposed to replace the ‘extra hands in care’ and ‘corona-jobs’ schemes by a more effective scheme to structurally address labour shortages in the health care sector. Through vocational education and ‘on-the-job training’, the scheme aims to increase the number of healthcare staff recruited and to reduce the outflow of care workers. This alternative measure can therefore be expected to address the labour shortage in the healthcare sector in an even more structural way than the measures it replaces, which were focused on the temporary recruitment of health and support staff during crisis times. [...] In addition, to prove the structural character of the scheme, the Netherlands has proposed a milestone for the adoption by Q4 2024 of a new framework, permanently embedding training in the healthcare sector in a larger programme to address labour shortages in the sector. (EC, 2023c, p. 6)

On the other hand, governments often justify requests to amend their plans not because of changes in their priorities, but due to political pressure from other domestic actors. For example, in the revised plan of Spain, it is explained that stakeholder consultations not only delayed but also substantially changed Investment C18.I3 on ‘Health Increased Capacity to Respond to Health Crises’:

On the basis of Article 21(1) of Regulation (EU) 2021/241, Spain has proposed to delay milestone with sequential number 281 by two years, concerning the implementation of the information system of the Public Health Surveillance Network. This change is justified by stakeholder consultations, which revealed that it was necessary to broaden the scope of the measure to effectively achieve its objectives. This resulted in the need for additional legislative and procedural steps that extended the timeline for implementation. (EC, 2023b)

Another way in which emergent flexibility surfaced during the implementation of the recovery plans was through the adoption of policy reforms that were not wholly consistent with the spirit of the original commitment, which, in addition, had been written in a vague manner. For instance, as part of its NRRP, Spain pledged to undertake a pension reform to ensure

the long-term sustainability of its pension system (Gobierno de España, 2021). However, the Council Decision approving Spain's original plan left considerable leeway for the final design of the reform to be negotiated with social partners. At the same time, it warned that the reform 'should be compatible with the medium- to long-term fiscal sustainability of public finances.' (Council of the European, 2021, p. 14). Nevertheless, the Spanish independent agency for fiscal control has questioned the ability of the two pension reforms approved in 2023 and 2025 to fulfil this commitment, in fact forecasting a mid-term increase in pension expenditure (AIReF, 2025). Although the two approved reforms included, among other measures, incentives for workers to delay retirement and an extension of the period used to calculate pensions from 25 to 29 years, they avoided more politically controversial measures like automatically linking the retirement age to life expectancy, as suggested in the initial NRRP.

Lastly, not all flexibility in the RRF takes the form of revising existing commitments. A second, distinct channel of designed flexibility is additive: the REPowerEU chapter, together with Articles 14 and 18(2), injected new resources after the adoption of the NRRP, thus allowing for the introduction of new initiatives. In practice, these additions have been used by member states to adjust, correct, or scale up measures already included in the first plan.

Conclusions

The adoption of the RRF in 2021 marked a shift in EU socioeconomic governance. The issuance of common debt aimed at financing the transformation of the growth models of member states involved both a change of mindset and the deployment of new governance mechanisms. The contractualisation of commitments embedded in the national recovery plans reflects this novel logic of functioning. By developing the notion of contractual governance, this article has argued that NRRPs are best understood as contracts establishing mutual obligations to ensure the effective implementation of unprecedented commitments in terms of reforms and investments. On paper, the logic behind the new performance-based approach of the RRF was to couple the bottom-up demand-driven ex-ante definition of reforms and investments with low ex-post flexibility for adjustments, thereby addressing the compliance deficits of the pre-2020 European Semester through a 'comply-or-do-not-get-paid' (Bokhorst and Corti 2024) rationale. The question addressed by this article concerned the scope of this mode of contractual governance in terms of accommodating mid-course corrections during implementation. We examined the flexibility of the RRF and asked under what conditions amendments to the original NRRPs have been approved

by the EU institutions. To approach this question, we built a dataset to map all modifications introduced in the 27 NRRPs between 2021 and 2024.

Our empirical analysis shows that, despite the initial aspiration for stability, the RRF has become a flexible instrument in terms of ex-post adaptation to contingencies. The sources of this flexibility are both ‘designed’ (Búzás & Graham, 2020), that is, formalised in the original Regulation of the Facility and, subsequently, in the REPowerEU plan, as well as ‘emergent’ (Búzás & Graham, 2020), that is, developed through informal, implicit and evolutionary practices during the decentralised national implementation of the RRF. Especially relevant is the extent to which this flexibility has allowed modifications of both policy instruments and policy goals contained in the original plans, as well as the notable margin to introduce modifications due to changing political circumstances. Although amendments justified by exogenous circumstances have been better received by the Commission (Interview 4), amendments driven by domestic political concerns have also been allowed. At the same time, even though the Commission has been more open to modifying investments (Interview 2), alterations of reforms are also common in our database.

Overall, while there is no doubt that there were boundaries to the flexibility (Interview 1) that were set through tight negotiations between the European Commission and each member state, national governments have enjoyed discretion to change the plans adopted in 2021. In several cases, renegotiation has occurred on an almost yearly basis, with countries like Italy, Spain, or Greece with 4 or 3 packages of amendments to the original NRRP (see the Online Appendix). As a senior official from the Commission put it, the implementation phase involved a sort of second negotiation phase (Interview 4). This insight resonates with the literature on incomplete contracting in EU integration, which highlights how ambiguity in long-term agreements shifts political conflict from ex-ante negotiation to ex-post implementation (Héritier, 2013).

By showing how ambiguity is operationalised in practice through interpretation by the Commission, pre-emptive negotiation, and the routinisation of amendments, this study unveils the mechanisms through which contractual governance under the RRF combines performance-based discipline with adaptability. Although the study is limited to the first rounds of revisions of the NRRPs (2021–2024), its findings have theoretical implications in terms of interinstitutional dynamics in a multi-level polity. They suggest that, despite the aspiration to ground EU governance in ‘objective rules’ and ‘complete contracts’, a compound polity of sovereign democratic nation-states such as the EU always needs to balance top-down supranational discipline with national political autonomy (Ferrera et al., 2024). The history of the governance of the SGP illustrates that strict long-term reform commitments, especially when requested under tight time constraints, collide with

practical and political feasibilities at the national level (Miró, 2021). Ultimately, our findings indicate that contractual governance serves more as a guiding normative aspiration than a strict legal imperative. NRRPs appear to be both negotiated and negotiable contracts. The European Commission's June 2025 Communication, which calls for the adaptation of NRRPs to incorporate, among other priorities, the European Defence Industry Programme, offers a particularly revealing example of this dynamic (EC, 2025). By explicitly encouraging member states to adjust their NRRPs in the final months of the RRF implementation, the Commission confirms that adaptation is now normalised and an integral component of the process. This development underscores that flexibility is not a marginal feature but a structural element of RRF governance (and arguably of EU economic governance).

Further research is required to determine whether contractual governance constitutes a transferable mode of EU policymaking beyond the RRF (see Fabbrini, 2025), particularly in view of the 2028–2034 Multiannual Financial Framework. From a theoretical perspective, assessing the potential for generalisation of contractual governance directly engages ongoing debates on the EU's agenda for better and simpler regulation. In this respect, the effectiveness of RRF implementation becomes a critical test case. Substantial implementation failures would confine the RRF's contractual design to a path-breaking yet ultimately singular experiment. By contrast, successful implementation would strengthen the claim that contractual governance can function as a viable governance template capable of reconciling supranational steering with domestic discretion under conditions of high distributive stakes.

Note

1. The dataset is available from the authors.

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