



Brussels, 12 December 2018
(OR. en)

15489/18

Interinstitutional File:
2018/0209(COD)

LIMITE

ENV 895
CLIMA 256
ENER 439
CADREFIN 420
CODEC 2316

NOTE

From: General Secretariat of the Council
To: Council

No. prev. doc.: 14871/18
No. Cion doc.: 9651/1/18 REV 1 - COM(2018) 385 final/2 + 9651/18 ADD 1

Subject: Proposal for a Regulation of the European Parliament and of the Council
establishing a Programme for the Environment and Climate Action (LIFE)
and repealing Regulation (EU) No 1293/2013
– Partial general approach

I. INTRODUCTION

1. The Commission submitted the above-mentioned proposal to the Council and to the European Parliament on 1 June 2018. The purpose of the proposed LIFE Programme Regulation is to establish the Union's funding instrument for environment and climate action. The general objective of the LIFE Programme is to contribute to the implementation, updating and development of Union's environmental and climate policy and legislation by co-financing projects with European added value.

2. The Economic and Social Committee adopted its opinion on the proposal on 18 October 2018. The Committee of the Regions adopted its opinion on the proposal on 9 October 2018.
3. The European Parliament's ENVI Committee voted on its draft report on 20 November 2018. The European Parliament's plenary voted on the report on 11 December 2018.

II. STATE OF PLAY

4. Work on the Commission's proposal started in the Working Party on the Environment (WPE) as from 14 June 2018, based on evolving Presidency compromise texts. At its meeting on 14 June 2018, the WPE examined the Commission's impact assessment, based on the relevant checklist circulated beforehand.
5. Following the deliberations in the WPE on 20 November 2018, the Presidency prepared a compromise text and submitted it to the Committee of Permanent Representatives with a view to reaching an agreement on a partial general approach. The Committee of Permanent Representatives solved the remaining outstanding issue on 7 December and invited the Council to adopt the partial general approach as presented in the Annex to this note.¹

¹ Changes to the Commission proposal are indicated in **bold** and [...] (deletions). Changes to the previous Presidency compromise (document 14871/18) are indicated in **bold and underline** and [...].

6. Since the proposed Regulation is one of the package of proposals linked to the Multiannual Financial Framework (MFF), all provisions with budgetary implications or of horizontal nature have been set aside - and thus excluded from the partial general approach aimed for - pending further progress on the MFF. These provisions, which appear between square brackets in the text, concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in Member States (Recital 29), the overall financial envelope for the implementation of the Programme and the indicative amounts allocated to specific objectives (Article 5, Article 8(2a) and Article 12), the participation of third countries (Recitals 34 and 35, Article 6, Article 10(4) and Article 11(4), (5) and (6)).

III. CONCLUSION

7. The Council (Environment, 20 December 2018) is invited to adopt the partial general approach as set out in the Annex to this document.

The general approach will constitute the Council's mandate for negotiations with the European Parliament in the context of the Ordinary Legislative Procedure.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
establishing a Programme for the Environment and Climate Action (LIFE) and repealing
Regulation (EU) No 1293/2013
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ²,

Having regard to the opinion of the Committee of the Regions ³,

Acting in accordance with the ordinary legislative procedure,

² OJ C , , p. .

³ OJ C , , p. .

Whereas:

- (1) Union environmental, climate and relevant [...] energy policy and legislation have delivered substantial improvements to the state of the environment. However, major environmental and climate challenges remain, which if left unaddressed, will have significant negative consequences for the Union and the well-being of its citizens.
- (2) The Programme for the Environment and Climate Action (LIFE), established by Regulation (EU) No 1293/2013 of the European Parliament and of the Council ⁴ for the period 2014 to 2020 is the latest in a series of Union programmes over 25 years which support the implementation of environmental and climate legislation and policy priorities. It was positively assessed in a recent mid-term evaluation ⁵ as being on track to be effective, efficient and relevant. The 2014-2020 LIFE Programme should therefore be continued with certain modifications identified in the mid-term evaluation and subsequent assessments. Accordingly, a Programme for the Environment and Climate Action (LIFE) (the ‘LIFE Programme’) should be established for the period [...] **from 1 January 2021 to 31 December 2027.**

⁴ Regulation (EU) No 1293/2013 of the European Parliament and of the Council of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No 614/2007 (OJ L 347, 20.12.2013, p. 185).

⁵ Report on the Mid-term Evaluation of the Programme for Environment and Climate Action (LIFE) (13993/17 - SWD(2017) 355 final).

- (3) Pursuing the achievement of the Union's objectives and targets set by environmental, climate and [...] **relevant** energy [...] legislation, policy, plans and international commitments, the **LIFE Programme** should contribute to the shift towards a [...], circular, energy-efficient, **renewable energy-based**, [...] **low-emissions** and climate-resilient economy, to the protection and improvement of the quality of the environment and to halting and reversing biodiversity loss, **including through supporting the implementation and management of the Natura 2000 network and tackling the degradation of ecosystems**, either through direct interventions **in Member States** or by supporting the integration of those objectives in other policies. **The LIFE Programme should also support the implementation of the General action programmes on environment and climate policy adopted in accordance with Article 192(3) TFEU, such as the 7th Environment Action Programme** ⁶.
- (4) The Union is committed to developing a comprehensive response to the **Sustainable Development Goals** of the United Nations 2030 Agenda for the Sustainable Development, which highlight the intrinsic connection between the management of natural resources to ensure their long-term availability, ecosystem services, their link to human health and sustainable and socially inclusive economic growth. In this spirit, the **LIFE Programme** should make a material contribution to both economic development and social cohesion.
- (5) The **LIFE Programme** should contribute to sustainable development and to the achievement of the objectives and targets of the Union environment, climate and relevant [...] energy legislation, strategies, plans and international commitments, in particular the United Nations 2030 Agenda for the Sustainable Development ⁷, the Convention on Biological Diversity ⁸ and the Paris Agreement adopted under the United Nations Framework Convention on Climate Change ⁹ ("Paris Agreement on Climate Change").

⁶ **Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 ‘Living well, within the limits of our planet’ (OJ L 354 28.12.2013).**

⁷ 2030 Agenda Resolution adopted by UNGA on 25/09/2015.

⁸ 93/626/EEC: Council Decision of 25 October 1993 concerning the conclusion of the Convention on Biological Diversity, (OJ L 309, 13.12.1993, p. 1).

⁹ OJ L 282, 19.10.2016, p. 4.

- (6) [...]
- (7) Complying with the Union's commitments under the Paris Agreement on Climate Change requires the transformation of the Union into an **circular**, energy efficient, **renewable energy-based**, [...] **low-emissions** and climate resilient society. This in turn requires actions, with a special focus on sectors that contribute most to the current levels of [...] **greenhouse gas** output and pollution, **promoting energy efficiency improvements and renewable energy, as well as** contributing to the implementation of the [...] Member States' Integrated National Energy and Climate Plans and preparations for the Union's mid-century and long-term climate and energy strategy. The **LIFE** Programme should also include measures contributing to the implementation of the Union's climate adaptation policy to decrease vulnerability to the adverse effects of climate change.
- (7a) **Projects under the new Clean Energy Transition sub-programme of the LIFE Programme should focus on the creation of capacity building and diffusion of knowledge, skills, innovative techniques, methods and solutions for reaching the objectives of the Union legislation and policy on the transition to renewable energy and increased energy efficiency.**

- (8) [...] **Rapid deployment of renewable energy sources and improved energy efficiency** [...] **can be** an essential contribution to the mitigation of climate change with co-benefits for the environment. Actions for capacity building supporting **energy efficiency improvements and renewable energy** [...], funded until 2020 under Horizon 2020 ¹⁰, should be integrated in the **new Clean Energy Transition sub-programme of the LIFE Programme** since their objective is not to fund excellence and generate innovation, but to facilitate the uptake of already available technology **for renewable energy and energy efficiency** that will contribute to climate mitigation. The inclusion of these capacity building activities into the **LIFE Programme** offers potential for synergies between the sub-programmes and increases the overall coherence of Union funding. Therefore, data should be collected and disseminated on the uptake of existing research and innovation solutions in the LIFE projects, including from the Horizon Europe programme and its predecessors.
- (9) The impact assessment [...] **for the [...] amendment of the Energy Efficiency Directive** ¹¹ [...] estimates that the delivery of the Union's 2030 energy targets will require additional investments of EUR 177 billion annually in the period 2021-2030. The biggest gaps relate to the investments in buildings decarbonisation (energy efficiency and small-scale renewable energy sources), where capital needs to be channelled towards projects of highly distributed nature. One of the objectives of the Clean Energy Transition sub-programme, **which covers rapid deployment of renewable energy sources and improved energy efficiency**, is to build capacity for **the development and aggregation of such** projects [...], thereby also helping to absorb funds from the European Structural and Investment Funds and catalyse investments in [...] **safe and sustainable** energy also using the financial instruments provided under InvestEU.

¹⁰ **Horizon 2020 Part III ‘Secure, clean and efficient energy’ (Societal Challenges) (Council Decision 2013/743/EU).**

¹¹ **Docs 15091/16 ADD 10, 11 and 12 - SWD(2016) 405 final.**

- (10) Synergies with Horizon Europe should **facilitate** [...] that research and innovation needs to tackle environmental, climate and energy challenges within the EU are identified and established during Horizon Europe's strategic research and innovation planning process. [...] **The LIFE Programme** should continue to act as a catalyst for implementing EU environment, climate and **relevant** [...] energy policy and legislation, including by taking up and applying research and innovation results from Horizon Europe and help deploying them on a larger scale where it can help address environmental, climate or [...] energy transition issues. Horizon Europe's European Innovation Council can provide support to scale up and commercialise new breakthrough ideas that may result from the implementation of LIFE projects. **Similarly, synergies with the Innovation Fund under the Emission Trading System should also be taken into account.**
- (11) An action that has received a contribution from the **LIFE Programme** can also receive a contribution from any other Union programme, provided that the contributions do not cover the same costs. Actions that receive cumulative funding from different Union programmes [...] **should** be audited only once, covering all involved programmes and their respective applicable rules.
- (12) The Union's most recent Environmental Implementation Review package ¹² indicates that significant progress is required to accelerate implementation of the Union environment acquis and enhance the integration of environmental and climate objectives into other policies. The **LIFE Programme** should therefore act as a catalyst to achieve the required progress through developing, testing and replicating new approaches; supporting policy development, monitoring and review; enhancing stakeholder involvement; mobilising investments across Union investment programmes or other financial sources and supporting actions to overcome the various obstacles to the effective implementation of key plans required by environment legislation.

¹² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - The EU Environmental Implementation Review: Common challenges and how to combine efforts to deliver better results (5967/17 - COM(2017) 63 final).

(13) Halting and reversing biodiversity loss, including in marine ecosystems, requires support for the development, implementation, enforcement and assessment of relevant Union legislation and policy, including the EU Biodiversity Strategy to 2020 ¹³, Council Directive 92/43/EEC ¹⁴ and Directive 2009/147/EC of the European Parliament and of the Council ¹⁵ and Regulation (EU) 1143/2014 of the European Parliament and of the Council ¹⁶, in particular by developing the knowledge base for policy development and implementation and by developing, testing, demonstrating and applying best practices and solutions on small scale or tailored to specific local, regional or national contexts, including integrated approaches for the implementation of the prioritised action frameworks prepared on the basis of Directive 92/43/EEC. The Union should track its biodiversity-related expenditure to fulfil its reporting obligations under the Convention on Biological Diversity. Requirements for tracking in other relevant Union legislation should also be met. **Biodiversity-related spending will be tracked using a specific set of markers** ¹⁷.

¹³ Doc. 9658/11 - COM(2011) 244 final.

¹⁴ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

¹⁵ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

¹⁶ Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).

¹⁷ **Doc. SEC(2017) 250.**

- (14) Recent evaluations and assessments, including the mid-term review of the EU Biodiversity Strategy to 2020 and the Fitness Check of Nature legislation, indicate that one of the main underlying causes for insufficient implementation of Union nature legislation and of the biodiversity strategy is the lack of adequate financing. The main Union funding instruments, including the [European Regional Development Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund], can make a significant contribution towards meeting those needs. The **LIFE** Programme can further improve the efficiency of such mainstreaming through strategic nature projects dedicated to catalysing the implementation of Union nature and biodiversity legislation and policy, including the actions set out in the Priority Action Frameworks developed in accordance with Directive 92/43/EEC. The strategic nature projects should support programmes of actions in Member States for the mainstreaming of relevant nature and biodiversity objectives into other policies and financing programmes, thus ensuring that appropriate funds are mobilised for implementing these policies. Member States could decide within their Strategic Plan for the Common Agricultural Policy to use a certain share of the European Agricultural Fund for Rural Development allocation to leverage support for actions that complement the Strategic Nature Projects as defined under this Regulation.
- (15) The voluntary scheme for Biodiversity and Ecosystem Services in Territories of European Overseas (BEST) promotes the conservation of biodiversity, including marine biodiversity, and sustainable use of ecosystem services, including ecosystem-based approaches to climate change adaptation and mitigation, in the Union's Outermost Regions and Overseas Countries and Territories. BEST has helped to raise awareness for the ecological importance of the Outermost Regions and Overseas Countries and Territories for conserving global biodiversity. In their Ministerial Declarations in 2017 and 2018, Overseas Countries and Territories have expressed their appreciation for this small grant scheme for biodiversity. It is appropriate to allow the **LIFE** Programme to continue financing small grants for biodiversity in both the Outermost Regions and the Overseas Countries and Territories.

- (16) Promoting the circular economy requires a [...] shift in the way of designing, producing, consuming, **repairing, reusing, recycling** and disposing of materials and products, including plastics, **focusing on the whole life cycle of products**. The **LIFE** Programme should contribute to the transition to a circular economy model through financial support targeting a variety of actors (businesses, public authorities and consumers), in particular by applying, developing, and replicating best technology, practices and solutions tailored to specific local, regional or national contexts, including through integrated approaches for the implementation of waste management and prevention plans. Through supporting the implementation of **Council Conclusion of 25 June 2018 on delivering on the EU Action Plan for the Circular Economy** ¹⁸ [...], action can be taken to address the problem of marine litter in particular.
- (17) The Union's long-term objective for air policy is to achieve levels of air quality that do not cause significant negative impacts on and risks to human health **and the environment** ¹⁹. Public awareness about air pollution is high and citizens expect authorities to act. Directive (EU) 2016/2284 of the European Parliament and of the Council [...] stresses the role Union funding can play in achieving clean air objectives. Therefore, the **LIFE** Programme should support projects, including strategic integrated projects, which have the potential to leverage public and private funds, to be showcases of good practice and catalysts for the implementation of air quality plans and legislation at local, regional, multi-regional, national and trans-national level.

¹⁸ **Doc. 10447/18 - Delivering on the EU Action Plan for the Circular Economy - Council conclusions.**

¹⁹ **Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (OJ L 344, 17.12.2016, p. 1).**

- (18) Directive 2000/60/EC²⁰ established a framework for the protection of the Union's surface waters, coastal waters, transitional waters and groundwater. The objectives of [...] **that** Directive are supported by [...] integration of water policy objectives into other policy areas. The **LIFE** Programme should therefore support projects which contribute to the effective implementation of Directive 2000/60/EC and of other **relevant** Union water legislation that contributes to achieving a good status of the Union's water bodies through applying, developing and replicating best practices, as well as through mobilising complementary actions under other Union programmes or financial sources.
- (19) The protection and restoration of the marine environment is one of the overall aims of the Union's environment policy. The **LIFE** Programme should support the following: the management, conservation, restoration and monitoring of biodiversity and marine ecosystems in particular in Natura 2000 marine sites and the protection of species in accordance with the prioritised action frameworks developed pursuant to Directive 92/43/EEC; the achievement of Good Environmental Status in line with the Directive 2008/56/EC of the European Parliament and of the Council²¹; the promotion of clean and healthy seas; the implementation of **Council Conclusion of 25 June 2018 on delivering on the EU Action Plan for the Circular Economy** [...]; and the promotion of the Union's involvement in international ocean governance which is essential for achieving the goals of the United Nations 2030 Agenda for Sustainable Development and to guarantee healthy oceans for future generations. The **LIFE** Programme's strategic integrated projects and strategic nature projects should include relevant actions aiming at the protection of the marine environment.

²⁰ **Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy**

²¹ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).

- (20) The improvement of governance on environmental, climate change and related [...] energy transition matters requires involvement of civil society by raising public awareness, consumer engagement, and broadening of stakeholder involvement, including non-governmental organisations, in consultation on and implementation of related policies.
- (21) Whilst improving governance at all levels should be a cross-cutting objective for all sub-programmes of the **LIFE** Programme, the **LIFE** Programme should support the development and implementation of the horizontal legislation on the environmental governance, including the legislation implementing the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters ²².
- (22) The **LIFE** Programme should prepare and support market players for the shift towards a [...] circular, energy-efficient, **renewable energy-based**, [...] **low-emissions** and climate-resilient economy by testing new business opportunities, upgrading professional skills, facilitating consumers' access to sustainable products and services, engaging and empowering influencers and testing novel methods to adapt the existing processes and business landscape. To support a broader market uptake of sustainable solutions, general public acceptance and consumer engagement should be promoted.
- (23) At Union level, large investments in environmental and climate actions are primarily funded by major Union funding programmes (mainstreaming). In the context of their catalytic role, strategic integrated projects and strategic nature projects to be developed under the **LIFE** Programme should leverage financing opportunities under those funding programmes and other sources of funding such as national funds, and create synergies.

²² OJ L 124, 17.5.2005, p. 4.

- (24) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, the **LIFE** Programme will contribute to mainstream climate actions and to the achievement of an overall target of [25 %] of the EU budget expenditures supporting climate objectives. Actions under the **LIFE** Programme are expected to contribute 61% of the overall financial envelope of the **LIFE** Programme to climate objectives. Relevant actions will be identified during the **LIFE** Programme's preparation and implementation, and reassessed in the context of the relevant evaluations and review processes.
- (25) In the implementation of the **LIFE** Programme due consideration should be given to the strategy for outermost regions ²³ in view of Article 349 TFEU and the specific needs and vulnerabilities of these regions. Union policies other than environmental, climate and relevant [...] energy [...] policies should also be taken into account.
- (26) In support of the implementation of the **LIFE** Programme, the Commission should collaborate with the **LIFE** Programme's National Contact Points (**NCP**) network in order to **stimulate cooperation aiming to improve and make [...] NCP services across the EU more effective, as well as to increase the overall quality of proposals submitted**, organise seminars and workshops, publish lists of projects funded under the **LIFE** Programme or undertake other activities to disseminate project results and to facilitate exchanges of experience, knowledge and best practices and the replication of project results across the Union. Such activities should in particular target Member States with a low uptake of funds and should facilitate the communication and cooperation between project beneficiaries, applicants or stakeholders of completed and ongoing projects in the same field.

²³ Doc. 13715/17 - COM(2017) 623 final.

(26a) Quality should serve as the leading criterion governing the project evaluation and award process in the LIFE Programme. The Commission should implement the LIFE Programme in a way that pursues geographical balance. In order to facilitate the implementation of the objectives of the LIFE Programme across the Union and to promote high quality of project proposals, funding for technical assistance projects for the effective participation of underperforming Member States [...] in the LIFE Programme should be made available [...]. The criteria for underperformance will be specified in the Multiannual Work Programme guided by participation and success rate of applicants from the respective Member States taking into account, among others, population and population density, total area of Natura 2000 sites for each Member State expressed as a proportion of the total area of Natura 2000 and proportion of a Member State's territory covered by Natura 2000 sites. Eligible activities should be of such nature that they aim at improving the quality of project applications.

- (27) The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL), the European Network of Prosecutors for the Environment (ENPE) and the European Union Forum of judges for the environment (EUFJE ²⁴) have been created to facilitate the collaboration between Member States and play a unique role in the enforcement of the Union environmental legislation. They provide a substantial contribution to reinforce consistency in the implementation and enforcement of Union environmental legislation across the Union, avoiding distortions of competition, contribute to improving the quality of the environmental inspection and the law enforcement mechanisms through a networking system at both, Union and Member State level, and provide exchange of information and experience at different administrative levels, as well as through training and in-depth discussions on environmental issues and enforcement aspects, including monitoring and permitting processes. In view of their contribution to the objectives of the **LIFE** Programme, it is appropriate to authorise the award of grants to IMPEL, ENPE and EUFJE without a call for proposals so as to continue to provide support to the activities of these associations. In addition, in other cases a call may not be required pursuant to the general requirements of the Financial Regulation, e.g. for bodies designated by the Member States and operating under their responsibility, where those Member States are identified as beneficiaries of a grant by a legislative act of the Union.
- (28) It is appropriate to lay down a financial envelope for the **LIFE** Programme which is to constitute the prime reference amount, within the meaning of point 17 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ²⁵, for the European Parliament and the Council during the annual budgetary procedure.

²⁴ Doc. 5485/18 - COM(2018) 10 final, p. 5.

²⁵ OJ C 373, 20.12.2013, p. 1.

- (29) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. [Rules adopted on the basis of Article 322 TFEU also concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.]
- (30) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ²⁶ and Council Regulations (Euratom, EC) No 2988/95 ²⁷, (Euratom, EC) No 2185/96 ²⁸ and (EU) 2017/1939 ²⁹, the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions.

²⁶ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

²⁷ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.95, p.1).

²⁸ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

²⁹ [Full title + OJ L info].

In particular, in accordance with Regulations (EU, Euratom) No 883/2013 and (Euratom, EC) No 2185/96, the European Anti-Fraud Office (OLAF) may carry out investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other illegal activities affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council³⁰. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests and grant the necessary rights and access to the Commission, OLAF, the European Public Prosecutor's Office (EPPO) and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

- (31) The types of financing and the methods of implementation should be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. As regards grants, this should include consideration of the use of lump sums, flat rates and scales of unit costs.
- (32) **Where appropriate, the policy objectives of the LIFE Programme should be also addressed through financial instruments and budgetary guarantee under [...] the InvestEU, including with the allocated amount from the LIFE Programme as specified within the multiannual work programmes under the LIFE Programme.**

³⁰ Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

- (33) Pursuant to Article 94 of Council Decision 2013/755/EU³¹, entities established in overseas countries and territories are eligible for funding subject to the rules and objectives of the **LIFE** Programme and possible arrangements applicable to the Member State to which the relevant overseas country or territory is linked. The participation of these entities to this **LIFE** Programme should focus primarily on projects under sub-programme Nature and Biodiversity.
- (34) [The **LIFE** Programme should be open to third countries in accordance with the agreements between the Union and those countries establishing the specific conditions for their participation.]
- (35) [Third countries which are members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the EEA agreement, which provides for the implementation of the programmes by a decision under that agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation to grant the necessary rights for and access to the authorizing officer responsible, the European Anti-Fraud Office (OLAF) as well as the European Court of Auditors to comprehensively exert their respective competences.]

³¹ Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (Overseas Association Decision)(OJ L 344, 19.12.2013, p. 1).

(36) Pursuant to points 22 and 23 of the Inter-institutional agreement of 13 April 2016 on Better Law-Making, there is a need to evaluate the **LIFE Programme** on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burdens, in particular on Member States. These requirements, where appropriate, may include measurable indicators, as a basis for evaluating the effects of the **LIFE Programme** on the ground. The full impact of the **LIFE Programme** accrues through indirect, long-term and difficult-to-measure contributions towards achieving the full range of Union environment and climate objectives. For monitoring of the **LIFE Programme**, direct output indicators and tracking requirements set out in this Regulation should be complemented by aggregation of specific project level indicators to be described in **multiannual** work programmes or calls for proposals, inter alia regarding Natura 2000 and emissions of certain atmospheric pollutants.

(36a) In order to ensure uniform conditions for the implementation of this Regulation relating to the adoption of the multiannual work programmes, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³². If the Committee for the LIFE Programme does not deliver any opinion on a draft implementing act, the Commission should, in accordance with the second subparagraph of Article 5(4) of Regulation (EU) No 182/2011, not adopt the draft implementing act.

³² **Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13).**

- (37) In order to allow for a review of the indicators, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to amend the indicators to be used for the purposes of reporting on progress of the **LIFE** Programme towards the achievement of its general and specific objectives in particular in view of their alignment with indicators set out for other Union programmes. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (38) Since the objectives of this Regulation, namely contributing to sustainable development and to the achievement of the objectives and targets of the Union environment, climate and relevant [...]energy legislation, strategies, plans or international commitments cannot be sufficiently achieved by the Member States but can rather, by reason of scale and effects of this Regulation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (39) Regulation (EU) No 1293/2013 should therefore be repealed,

HAVE ADOPTED THIS REGULATION:

CHAPTER I
GENERAL PROVISIONS

Article 1

Subject matter

This Regulation establishes [...] a Programme for the Environment and Climate Action (LIFE) (the ‘LIFE Programme’) covering the period from 1 January 2021 to 31 December 2027.

It lays down the objectives of the LIFE Programme, the budget for [...] this period [...], the forms of Union funding and the rules for providing such funding.

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

- 1) 'strategic nature projects' means projects that support the achievement of Union nature and biodiversity objectives by implementing coherent programmes of action in the Member States to mainstream these objectives and priorities into other policies and financing instruments, including through coordinated implementation of the priority action frameworks established pursuant to Directive 92/43/EEC;
- 2) 'strategic integrated projects' means projects that implement on a regional, multi-regional, national or transnational scale, environmental or climate strategies or action plans developed by Member States' authorities and required by specific environmental, climate or relevant [...] energy [...] Union legislation or policy, while ensuring involvement of stakeholders and promoting the coordination with and mobilisation of at least one other Union, national or private funding source;

- 3) 'technical assistance projects' means projects that support the development of capacity [...] to participate in standard action projects, the preparation of **strategic nature projects and strategic integrated projects**, the preparation for accessing other Union financial instruments or other measures necessary for [...] preparing the upscaling or replication of results from other projects funded by the LIFE Programme, its predecessor programmes or other Union programmes, in view of pursuing the objectives set out in Article 3. **Such projects may also include capacity-building related to the activities of Member States authorities for effective participation in the LIFE Programme;**
- 4) 'standard action projects' means projects, other than strategic integrated projects, strategic nature projects or technical assistance projects, that pursue the specific objectives of the Programme set out in Article 3(2);
- 5) 'blending operations' means actions supported by the Union budget, including within blending facilities pursuant to Article 2(6) of Regulation (EU, Euratom) 2018/... ('the Financial Regulation'), combining non-repayable forms of support and/or financial instruments from the Union budget with repayable forms of support from development or other public finance institutions, as well as from commercial finance institutions and investors;
- 6) 'legal entity' means any natural or legal person created and recognised as such under national law, Union law or international law, which has legal personality and which may, acting in its own name, exercise rights and be subject to obligations, or an entity without a legal personality in accordance with Article 190(2)(c) of the Financial Regulation.

Article 3

[...] *Objectives*

1. The general objective of the **LIFE** Programme [...] **shall be** to contribute to the shift towards a [...] circular, energy-efficient, **renewable energy-based, low-emissions** [...] and climate-resilient economy, [...] to the protection and improvement of the quality of the environment and to halting and reversing biodiversity loss, **including through supporting the implementation and management of the Natura 2000 network and tackling the degradation of ecosystems**, thereby contributing to sustainable development. **The LIFE Programme shall also support the implementation of General action programmes on environment and climate policy adopted in accordance with Article 192(3) TFEU.**

2. The **LIFE** Programme [...] **shall have** the following specific objectives:

[...]
 - (a) to develop, demonstrate and promote innovative techniques, **methods** and approaches for reaching the objectives of the Union legislation and policy on environment, **including nature and biodiversity**, [...] **or** climate action, including the transition to [...] **renewable energy or increased energy efficiency**;

 - (aa) [...]to contribute to the application of best practice in relation to nature and biodiversity;

 - (b) to support the development, implementation, monitoring and enforcement of the relevant Union legislation and policy **on environment, including nature and biodiversity, or climate action and the transition to renewable energy or increased energy efficiency**, including by improving governance through enhancing capacities of public and private actors and the involvement of civil society;

- (c) to catalyse the large-scale deployment of successful technical and policy-related solutions for implementing the relevant Union legislation and policy **on environment, including nature and biodiversity, or [...] climate action and the transition to renewable energy or increased energy efficiency** by replicating results, integrating related objectives into other policies and into public and private sector practices, mobilising investment and improving access to finance.

Article 4

[...] *Structure*

The **LIFE** Programme [...] **shall be** structured as follows:

- 1) the field Environment, which includes:
 - (a) the sub-programme Nature and Biodiversity;
 - (b) the sub-programme Circular Economy and Quality of Life;
- 2) the field Climate Action, which includes:
 - (a) the sub-programme Climate Change Mitigation and Adaptation;
 - (b) the sub-programme Clean Energy Transition.

Article 5

Budget

1. The financial envelope for the implementation of the **LIFE** Programme for the period 2021-2027 shall be EUR [5 450 000 000] in [current] prices.
2. The indicative distribution of the amount referred to in paragraph 1 shall be:

- (a) EUR [3 500 000 000] for the field Environment, of which
 - i) EUR [2 150 000 000] for the sub-programme Nature and Biodiversity and
 - ii) EUR [1 350 000 000] for the sub-programme Circular Economy and Quality of Life;
- (b) EUR [1 950 000 000] for the field Climate Action, of which
 - i) EUR [950 000 000] for the sub-programme Climate Change Mitigation and Adaptation and
 - ii) EUR [1 000 000 000] for the sub-programme Clean Energy Transition.

3. The amounts referred to in paragraphs 1 and 2 shall be without prejudice to provisions on flexibility set out in Regulation (EU) ... of the European Parliament and of the Council ³³ [the new Multiannual Financial Framework Regulation] and the Financial Regulation.

3a. Notwithstanding paragraph 2, at least 60% of the budgetary resources allocated to projects supported by way of action grants under the field Environment referred to in point (a) in paragraph 2 shall be dedicated to grants for projects supporting the Sub-programme Nature and Biodiversity referred to in point i) of point (a) in paragraph 2.

4. [...] **The LIFE Programme may finance [...] technical and administrative assistance activities by the Commission** for the implementation of the LIFE Programme, such as preparatory, monitoring, control, audit and evaluation activities including corporate information technology systems **and wide network activities supporting the LIFE Programme's National Contact Points, including training, mutual learning activities and events to share experience.**

³³ [Please insert full title and OJ info].

5. The **LIFE** Programme may finance activities implemented by the Commission in support of the preparation, implementation and mainstreaming of Union environmental, climate or relevant [...] energy [...] legislation and policies for the purpose of **contributing to the achievement of [...]** the objectives set out in Article 3. Such activities may include:
- (a) information and communication, including awareness raising campaigns. Financial resources allocated to communication activities pursuant to this Regulation shall also cover corporate communication regarding the political priorities of the Union, as well as regarding the implementation and transposition status of Union environmental, climate or relevant [...] energy legislation;
 - (b) studies, surveys, modelling and scenario building;
 - (c) preparation, implementation, monitoring, checking and evaluation of [...] policies, programmes and legislation, **as well as assessment and analysis of projects not funded by the LIFE Programme**;
 - (d) workshops, conferences and meetings;
 - (e) networking and best-practice platforms;
 - (f) other activities, **such as prizes**.

[Article 6

Third countries associated to the Programme

1. The **LIFE** Programme shall be open to the following third countries:
- (a) European Free Trade Association (EFTA) members which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the EEA agreement;

- (b) acceding countries, candidate countries and potential candidates, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions, or similar agreements and in accordance with the specific conditions laid down in agreements between the Union and those countries;
- (c) countries covered by the European Neighbourhood Policy, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and association council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and those countries;
- (d) other third countries, in accordance with the conditions laid down in a specific agreement covering the participation of the third country to any Union programme, provided that the agreement
- ensures a fair balance as regards the contributions and benefits of the third country participating in the Union programmes;
 - lays down the conditions of participation in the programmes, including the calculation of financial contributions to individual programmes and their administrative costs. These contributions shall constitute assigned revenues in accordance with Article [21(5)] of the Financial Regulation;
 - does not confer to the third country a decisional power on the programme;
 - guarantees the rights of the Union to ensure sound financial management and to protect its financial interests.

2. Where a third country participates in the **LIFE** programme by a decision under an international agreement or by virtue of any other legal instrument, the third country shall grant the necessary rights and access required for the authorizing officer responsible, the European Anti-Fraud Office (OLAF), the European Court of Auditors to comprehensively exert their respective competences. In the case of OLAF, such rights shall include the right to carry out investigations, including on-the-spot checks and inspections, provided for in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council concerning investigations conducted by the European Anti-Fraud Office (OLAF).]

Article 7

Synergies with other Union programmes

The **Commission shall facilitate consistency of the implementation of the LIFE** Programme [...] with the European Regional Development Fund, the European Social Fund+, the Cohesion Fund, the European Agricultural Fund for Rural Development, and the European Maritime and Fisheries Fund, Horizon Europe, [...] the Connecting Europe Facility and InvestEU, in order to create synergies, particularly as regards strategic nature projects and strategic integrated projects, and to support the uptake and replication of solutions developed under the **LIFE** Programme.

Article 8

Implementation and forms of Union funding

1. The **Commission shall implement the LIFE** Programme [...] in direct management in accordance with the Financial Regulation or in indirect management with bodies referred to in Article [61(1)(c)] of the Financial Regulation.
2. The **LIFE** Programme may provide funding in any of the forms laid down in the Financial Regulation, in particular grants, prizes and procurement. It may also provide financing in the form of financial instruments within blending operations.

- 2a. At least 85% of the budget for the LIFE Programme shall be allocated to grants as referred to in Article 10(2) and 10(5), or, where appropriate and to the extent specified within the multiannual work programme referred to in Article 17, for financial instruments in the form of blending operations as referred to in Article 8(2). The maximum amount allocated to grants as referred to in Article 10(2)(a) and 10(2)(b) shall be determined in the multiannual work programme. The maximum amount allocated to grants as referred to in Article 10(3b) shall be [15 Mio EUR].
- 2b. A standard co-financing rate for the actions referred to in Articles 10(2) and 10(5) of 60% of eligible costs shall apply. This rate may be adapted in accordance with the requirements of each sub-programme, project type or type of grant. The specific rates shall be further specified in the multiannual work programme referred to in Article 17.

Notwithstanding the standard co-financing rate defined in the first sub-paragraph, the following specific co-financing rates shall apply:

- a) up to 75 % of eligible costs [...] for projects funded under the sub-programme Nature and Biodiversity in the field Environment that concern priority habitats or species for the implementation of Directive 92/43/EEC or the species of birds considered as a priority for funding by the Committee for Adaptation to Technical and Scientific Progress set up pursuant to Article 16 of Directive 2009/147/EC when necessary to achieve the conservation objective;
- b) up to 95% of eligible costs for projects as described in Article 10(3b) during the period of the first multiannual work programme, and, for the second multiannual work programme and subject to confirmation in this work programme, 75% of eligible costs.
- 2c. While quality serves as the leading criterion governing the project evaluation and award process, the Commission shall implement the LIFE Programme in a way that pursues geographical balance. In case such a balance is not reached the Commission shall provide an analysis of underlying reasons to the Committee for the LIFE Programme referred to in Article 20a.

CHAPTER II
ELIGIBILITY

Article 9
Grants

Grants under the **LIFE** Programme shall be awarded and managed in accordance with Title VIII of the Financial Regulation.

Article 10
Eligible actions

1. Only actions implementing the objectives referred to in Article 3 shall be eligible for funding.
2. Grants may finance the following types of action:
 - (a) strategic nature projects under the sub-programme referred to in point (1)(a) of Article 4;
 - (b) strategic integrated projects under the sub-programmes referred to in points (1)(b), (2)(a) and 2(b) of Article 4;
 - (c) technical assistance projects;
 - (d) standard action projects;
 - (e) other actions needed for the purpose of achieving the general objective set out in Article 3(1).

3. Projects under the sub-programme Nature and Biodiversity concerning the management, restoration and monitoring of Natura 2000 sites in accordance with Directives 92/43/EEC and 2009/147/EC shall [...] **take account of priorities set out in national or regional plans, strategies and policies on nature and biodiversity conservation, inter alia in prioritised action frameworks established pursuant to Directive 92/43/EEC.**

3b. Technical assistance projects for the effective participation of underperforming Member States shall support activities of Member State authorities aiming to improve National Contact Points services across the EU, as well as to increase the overall quality of proposals submitted.

4. [Grants may finance activities outside the Union, provided that the project pursues Union environmental and climate objectives and the activities outside the Union are necessary to ensure the effectiveness of interventions carried out in Member State territories.]
5. Operating grants shall support the functioning of non-profit making entities which [...] **contribute to** the development, implementation and enforcement of Union legislation and policy and which are primarily active in the field of environment or climate action, including [...] energy transition, **in line with the objectives of the LIFE Programme referred to in Article 3.**

Article 11

Eligible entities

1. The eligibility criteria set out in paragraph 2 to 3 shall apply in addition to the criteria set out in Article [197] of the Financial Regulation.
2. The following entities [...] **shall be** eligible:
 - (a) legal entities established in any of the following countries or territories:
 - 1) a Member State or an overseas country or territory linked to it;

- 2) a third country associated to the **LIFE** Programme;
 - 3) other third countries listed in the **multiannual** work programme **referred to in Article 17**, under the conditions specified in paragraphs 4 to 6 **of this Article**;
- (b) any legal entity created under Union law or any international organisation.
3. Natural persons [...] **shall not be** eligible.
 4. [Legal entities established in a third country which is not associated to the **LIFE** Programme [...] **shall be** exceptionally eligible to participate where this is necessary for the achievement of the objectives of a given action to ensure the effectiveness of interventions carried out in the Union.]
 5. [Legal entities participating in consortia of at least three independent entities, established in different Member States or overseas countries or territories linked to those states or third countries associated to the **LIFE** Programme or other third countries, [...] **shall be** eligible.]
 6. [Legal entities established in a third country which is not associated to the **LIFE** Programme should in principle bear the cost of their participation.]

Article 12

Direct award [...]

Without prejudice to Article [188] of the Financial Regulation, grants may be awarded without a call for proposals to the bodies listed in Annex I.

The total amount of grants awarded to the bodies listed in Annex I shall not be higher than [18 mio EUR] of the budgetary resources for the LIFE Programme.

Article 13

Specification of award criteria

The Commission shall set out award criteria [...] in the multiannual work programme referred to in Article 17 and the calls for proposals taking into account the following principles:

- (a) projects financed by the **LIFE** Programme shall **be of Union interest by making a significant contribution to the achievement of and shall not undermine the general and specific [...] objectives of the LIFE Programme referred to in Article 3** and, where possible, shall promote the use of green public procurement;
- (aa) **projects financed by the LIFE Programme shall be cost-effective and technically and financially coherent;**
- (b) projects that provide co-benefits and promote synergies between the sub-programmes referred to in Article 4 shall [...] **benefit from a bonus in their evaluation;**
- (c) projects with the highest potential of being replicated and taken-up by the public or private sector or of mobilising the largest investments or financial resources (catalytic potential) shall [...] **benefit from a bonus in their evaluation;**
- (d) the replicability of standard action project results shall be ensured;
- (e) projects that build on or upscale the results of other projects funded by the **LIFE** Programme, its predecessor programmes or with other Union funds shall benefit from a bonus in their evaluation;
- (ea) [...]

- (f) where appropriate, special regard shall be given to projects in geographical areas with specific needs or vulnerabilities, such as areas with specific environmental challenges or natural constraints, trans-border areas or outermost regions.

Article 14

Eligible costs related to purchase of land

In addition to the criteria set out in Article [186] of the Financial Regulation, costs relating to the purchase of land shall be considered eligible provided that the following conditions are fulfilled:

- (a) the purchase will contribute to improving, maintaining and restoring the integrity of the Natura 2000 network set up pursuant to Article 3 of Directive 92/43/EEC, including through improving connectivity by the creation of corridors, stepping stones, or other elements of green infrastructure;
- (b) land purchase is the only or most cost-effective way of achieving the desired conservation outcome;
- (c) the land purchased is reserved in the long term for uses consistent with the specific objectives of the LIFE Programme;
- (d) the Member State concerned ensures, by way of transfer or otherwise, the long-term assignment of such land to nature conservation purposes.

Article 15

Cumulative, complementary and combined funding

1. An action that has received a contribution from another Union programme may also receive a contribution under the **LIFE** Programme, provided that the contributions do not cover the same costs. The rules of each contributing Union programme shall apply to its respective contribution to the action. The cumulative funding shall not exceed the total eligible costs of the action and the support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.
2. Actions awarded a Seal of Excellence certification, or which comply with the following cumulative, comparative conditions:
 - (a) they have been assessed in a call for proposals under the **LIFE** Programme;
 - (b) they comply with the minimum quality requirements of that call for proposals;
 - (c) they may not be financed under that call for proposals due to budgetary constraints

may receive support from the European Regional Development Fund, the Cohesion Fund, the European Social Fund+ or the European Agricultural Fund for Rural Development, in accordance with paragraph 5 of Article [67] of Regulation (EU) XX [Common Provisions Regulation] and Article [8] or Regulation (EU) XX [Financing, management and monitoring of the Common Agricultural Policy], provided that such actions are consistent with the objectives of the programme concerned. The rules of the Fund providing support shall apply.

CHAPTER III
BLENDING OPERATIONS

Article 16
Blending operations

Blending operations under [...] **the LIFE Programme** shall be implemented in accordance with the [Invest EU Regulation] and Title X of the Financial Regulation.

CHAPTER IV
PROGRAMMING, MONITORING, REPORTING AND EVALUATION

Article 17
Multiannual work programme

1. The **Commission shall, by means of implementing acts, adopt** [...] two multiannual work programmes **for the LIFE Programme**[...]. [...] **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20a(2).**
2. Each multiannual work programme shall specify, in line with the objectives set out in Article 3, the following:
 - (a) the allocation of funds within each sub-programme between needs thereunder and between different types of funding, **as well as the maximum total amount allocated to grants as referred to in Article 10(2)(a) and 10(2)(b);**
 - (aa) **the maximum total amount for financial instruments within blending operations under the LIFE Programme, where applicable.**
 - (b) the project topics or specific needs for which there is pre-allocation of funding for the projects referred to in points (c) and (d) of Article 10(2);

- (c) the [...] **strategies and plans targeted by strategic integrated projects** for which funding may be requested for projects as referred to in point (b) of Article 10(2);
- (d) the maximum eligibility period for the implementation of the project;
- (e) **the technical methodology for the project selection procedure and the award criteria in accordance with the elements referred to in Article 13;**
- (ea) **performance indicators, in accordance with Article 18(1), for each sub-programme and type of projects;**
- (eb) **the specification of the co-financing rates referred to in Article 8(2b);**
- (ec) **detailed rules concerning the application of cumulative, complementary and combined funding;**
- (ed) the specification of underperformance as well as eligible activities for technical assistance projects for the effective participation in the LIFE Programme.**

Article 18

Monitoring and reporting

1. **The Commission shall** [...] report on progress of the **LIFE** Programme towards the achievement of the objectives set out in Article 3 **based on the indicators contained** [...] in Annex II.
2. To ensure effective assessment of progress of the **LIFE** Programme towards the achievement of its objectives, the Commission is empowered to adopt delegated acts in accordance with Article 21 to amend Annex II to review or complement the indicators where considered necessary **and in particular in view of their alignment with indicators set out for other Union programmes**[...].

3. The [...] **Commission** shall ensure that data for monitoring programme implementation and results are collected efficiently, effectively, and in a timely manner. To that end **and according to available methodologies**, proportionate reporting requirements shall be imposed on recipients of Union funds to enable the collection of aggregable project-level output and impact indicators, for all relevant specific environment and climate policy objectives, including in relation to Natura 2000 and the emissions of certain atmospheric air pollutants, including CO₂.
4. The Commission shall regularly monitor and report on mainstreaming of climate and biodiversity objectives, including the amount of expenditure. The contribution of this Regulation to the budget-wide target of [25%] of expenditure contributing to climate objectives shall be tracked through the Union climate marker system. Biodiversity-related spending shall be tracked using a specific set of markers. Those tracking methods shall be used to quantify the commitment appropriations expected to contribute respectively to climate and to biodiversity objectives over the Multiannual Financial Framework for 2021-2027 at the appropriate level of disaggregation. The spending shall be presented annually in the [...] Programme Statement. The contribution of the **LIFE** Programme to Union climate and biodiversity objectives shall be reported regularly in the context of evaluations and the annual report.
5. The Commission shall assess synergies between the **LIFE** Programme and other complementary Union programmes and between its sub-programmes.

Article 19
Evaluation

1. **The Commission shall carry out** evaluations [...] in a timely manner to feed into the decision-making process.

2. **The Commission shall perform** the interim evaluation of the **LIFE** Programme [...] once there is sufficient information available about the implementation of the Programme, but no later than four years after the start of the **LIFE** Programme implementation.
3. At the end of the implementation of the **LIFE** Programme, but no later than four years after the end of the period specified in [...] Article 1, **the Commission shall carry out** a final evaluation of the **LIFE** Programme [...].
4. The Commission shall communicate the conclusions of the evaluations accompanied by its observations, to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

CHAPTER V TRANSITIONAL AND FINAL PROVISIONS

Article 20

Information, communication and publicity

1. The recipients of Union funding shall acknowledge the origin and ensure the visibility of the Union funding (in particular when promoting the projects and their results), by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public. **For this purpose, the recipients shall use the LIFE Programme logo, depicted in Annex III, or mention the LIFE Programme for all communication activities and appear on notice boards at strategic places visible to the public. All durable goods acquired in the framework of the LIFE Programme shall bear the LIFE Programm logo except in cases specified by the Commission.**
2. The Commission shall implement information and communication actions relating to the **LIFE** Programme, and its actions and results. Financial resources allocated to the **LIFE** Programme shall also contribute to the corporate communication of the political priorities of the Union, as far as they are related to the objectives referred to in Article 3.

Article 20a
Committee procedure

- 1. The Commission shall be assisted by the Committee for the LIFE Programme. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.**
- 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.**
- 3. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.**
- 4. The Commission shall report annually to the Committee on the overall progress of the implementation of the sub-programmes and on particular actions, inter alia on blending operations implemented through budgetary resources allocated from the LIFE Programme.**

Article 21

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 18(2) shall be conferred on the Commission until 31 December 2028.

3. The delegation of power referred to in Article 18(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 18(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 22

Repeal

Regulation (EU) No 1293/2013 [...] **shall be** repealed with effect from 1 January 2021.

Article 23

Transitional provisions

1. This Regulation shall not affect the continuation or modification of the actions concerned, until their closure, under Regulation (EC) No 614/2007 of the European Parliament and of the Council³⁴ and under Regulation (EU) No 1293/2013, which shall continue to apply to the projects concerned until their closure.
2. The financial envelope for the **LIFE** Programme may also cover technical and administrative assistance expenses necessary to ensure the transition between the **LIFE** Programme and the measures adopted under Regulations (EC) No 614/2007 and (EU) No 1293/2013.
3. If necessary, appropriations may be entered in the budget beyond 31 December 2027 to cover the expenses provided for in Article 5(4), to enable the management of projects not completed by that date.
4. Reflows from financial instruments established under Regulation (EU) No 1293/2013 may be invested in the financial instruments established under [InvestEU Fund].
5. The appropriations corresponding to assigned revenue arising from the repayment of amounts wrongly paid pursuant to Regulation (EC) No 614/2007 or Regulation (EC) No 1293/2013 shall be used, in accordance with Article 21 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council³⁵, to finance the **LIFE** Programme.

³⁴ Regulation (EC) No 614/2007 of the European Parliament and of the Council of 23 May 2007 concerning the Financial Instrument for the Environment (LIFE+) (OJ L 149, 9.6.2007, p. 1).

³⁵ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

Article 24
Entry into force

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

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

Done at Brussels,

For the European Parliament

The President

For the Council

The President

ANNEX I

Bodies to which grants may be awarded without a call for proposals

- 1) European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL);
 - 2) European Network of Prosecutors for the Environment (ENPE);
 - 3) European Union Forum of Judges for the Environment (EUFJE).
-

ANNEX II

Indicators

1. Output indicators

- 1.1 Number of projects developing, demonstrating and promoting innovative techniques and approaches;
- 1.2 Number of projects applying best practice in relation to nature and biodiversity;
- 1.3 Number of projects for the development, implementation, monitoring or enforcement of the relevant Union legislation and policy;
- 1.4 Number of projects improving governance through enhancing capacities of public and private actors and the involvement of civil society;
- 1.5 Number of **strategic integrated and strategic nature** projects implementing
 - key plans or strategies;
 - programmes of action for mainstreaming Nature and Biodiversity.

2. Result indicators

- 2.1 Net change to the environment and climate, based on the aggregation of project level indicators to be specified in the calls for proposals under the sub-programmes for
 - Nature and Biodiversity;
 - Circular Economy and Quality of Life covering at least the following
 - Air quality
 - Soil

- Water
- Waste
- **Climate Change Mitigation and Adaptation;**
- Clean Energy Transition.

2.2 Cumulative investments triggered by the projects or finance accessed (million EUR);

2.3 Number of organisations involved in projects or receiving operating grants;

2.4 Share of projects having had a catalytic effect after the end date of the project.

ANNEX III

The LIFE Programme logo

