



Brussels, 20 March 2019
(OR. en)

Interinstitutional File:
2018/0209(COD)

7479/1/19
REV 1

ENV 292
CLIMA 74
ENER 170
CADREFIN 153
CODEC 675

NOTE

From: General Secretariat of the Council
To: Delegations

No. Cion doc.: 9651/1/18

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
- Progress report
- Confirmation of common understanding

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 the 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 voted on 10 December 2018 in plenary on its report containing 75 amendments and agreed to enter into negotiations with the Council.

4. The Council adopted its partial general approach on 20 December 2018, which constitutes the Council's mandate for negotiations with the European Parliament in the context of the ordinary legislative procedure.
5. The trilogue meetings took place on 9 January, 27 February and 11 March 2019. Seven technical meetings took place where clarification was provided on the positions of the co-legislators and the wording of less political provisions was discussed.
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.

II. STATE OF PLAY

7. The document presented in Annex reflects the state of play of negotiations reached at the third trilogue on the Regulation establishing the LIFE Programme. While this reflects a common understanding between the European Parliament and the Council on the progress of negotiations, it is without prejudice to the final outcome of the negotiations on the full text.
8. It is understood that elements in brackets in the text were left outside of the scope of the negotiations at this stage, as they require the completion of negotiations on the Multiannual Financial Framework 2021-2027 for the Council to be able to establish its position.
9. These bracketed provisions concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States (Recital 29), the overall target of the EU budget expenditures supporting climate objectives (Recital 24 and Article 18(4)), the overall financial envelope for the implementation of the Programme and the indicative amounts allocated to specific objectives (Article 5 and Article 8(2a)), and the participation of third countries (Recitals 34 and 35, Article 6, Article 10(4), Article 11(4), (5) and (6)).
10. In addition, as it was referring to a bracketed text that was not part of the Council's partial General Approach, Article 11(6a), as proposed by the Parliament, was not part of the negotiations.

11. Provisions on the protection of the Union's financial interests (Recitals 30, 35 and Article 6(2)) have been adapted to be in line with the horizontal guidance¹.
12. Work will resume with the European Parliament once the Council has a mandate on all elements of the proposal.
13. For ease of reference, the changes introduced at the trilogue, as compared to Council's partial General Approach are marked in the text in **bold and underlined** and ~~strikethrough~~.

III. CONCLUSION

14. In light of the above, the Permanent Representatives Committee is invited to take note of the current progress report and to confirm the common understanding reached at the trilogue, under the current legislature, on the Regulation establishing the LIFE Programme, as set out in the Annex to this note.

¹ doc. 5146/19.

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 Council⁴ 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 evaluation⁵ 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 starting 2021.**

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 **in line with a just transition** to the shift towards a [...],**sustainable**, circular, energy-efficient, renewable energy-based, [...] **low-emissions and climate-neutral and** -resilient economy, to the protection, **restoration** and improvement of the quality of the environment, **including air, water and soil, and health**, 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 Programme⁶.
- (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~~ **reflect the principles of solidarity, while making** a material contribution to both economic development and social cohesion.

(4a) With a view to promoting sustainable development, environmental and climate protection requirements should be integrated into the definition and implementation of all Union policies and activities. Synergies and complementarity with other Union funding programmes should, therefore, be promoted, including by facilitating the funding of activities that complement strategic integrated projects and strategic nature projects and support the uptake and replication of solutions developed under the Programme. Coordination is required to prevent double funding. The Commission and Member States should take steps to prevent administrative overlap and burden on project beneficiaries, arising from reporting obligations from different financial instruments.

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).

- (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 Development⁷, the Convention on Biological Diversity⁸ and the Paris Agreement adopted under the United Nations Framework Convention on Climate Change⁹ ("Paris Agreement on Climate Change"), **and among others the UNECE Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters (the "Aarhus Convention"), the UNECE Convention on Long-Range Transboundary Air Pollution, the UN Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the UN Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the UN Stockholm Convention on Persistent Organic Pollutants.**
- (6) **(deletion)**
- (6a) The Union attaches great importance to the long-term sustainability of the results of LIFE projects, and to the capacity to secure and maintain those results after project implementation, inter alia by project continuation, replication and/or transfer.**

⁷ Agenda **2030**, Resolution adopted by ~~UNGA~~**UN GA** 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.

- (7) Complying with the Union's commitments under the Paris Agreement on Climate Change requires the transformation of the Union into ~~an~~ **a sustainable**, circular, energy efficient, renewable energy-based, [...] ~~low-emissions and climate-~~ **neutral and** -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 [...] **2030 energy and climate policy framework and the** Member States' Integrated National Energy and Climate Plans and ~~preparations for~~ **to the implementation of** the Union's mid-century and long-term climate and energy strategy, **in line with the long-term objectives of the Paris Agreement**. 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. **These are typically coordination and support actions of high EU added-value, aiming to break market barriers that hamper the socio-economic transition to sustainable energy, typically engaging small and middle-size stakeholders, multiple actors including local and regional public authorities and non-profit organisations. These actions bring multiple co-benefits, such as tackling energy poverty, improved indoor air quality, reducing local pollutants thanks to energy efficiency improvements and increased distributed renewable energies, and contributing to positive local economic effects and more socially inclusive growth.**

- (8) ~~[...] Rapid deployment of renewable energy sources and improved energy efficiency [...]~~ **can be an essential contribution** **In order to contribute** to the mitigation of climate change with co-benefits **and the Union's international commitments** for the environment. **decarbonisation, the transformation of the energy sector needs to be accelerated.** Actions for capacity building supporting energy efficiency ~~improvements~~ and renewable energy ~~[...]~~,² funded until 2020 under Horizon 2020¹⁰, 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,² that will contribute to climate mitigation. **The LIFE Programme should involve all stakeholders and sectors involved in a clean energy transition.** 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 ~~[...]~~,² thereby also helping to absorb funds from the European Structural and Investment Funds and catalyse investments in ~~[...]~~ **safe and sustainable renewable energy and energy efficiency,** 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 ~~Does 15091/16 ADD 10, 11 and 12 – SWD(2016) 405 final. Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 amending Directive 2012/27/EU on energy efficiency~~

(9a) The LIFE programme is the only programme dedicated specifically to environment and climate action, and therefore plays a crucial role in supporting the implementation of Union legislation and policies in those areas.

- (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 **Commission Communication on the** Environmental Implementation Review package **(EIR)**¹² indicates that significant progress is required to accelerate implementation of the Union environment acquis and enhance the integration **and mainstreaming** of environmental and climate objectives into other policies. The LIFE Programme should therefore act as a catalyst to **tackle horizontal, systemic challenges as well as the root causes for implementation deficiencies as identified in the EIR and to** achieve the required progress through developing, testing and replicating new approaches; supporting policy development, monitoring and review; **improving governance on environmental, climate change and related energy transition matters, including through** enhancing stakeholder involvement **at all levels, capacity building, communication and awareness**; 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, **the degradation of ecosystems**, 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 2020¹³, Council Directive 92/43/EEC¹⁴ and Directive 2009/147/EC of the European Parliament and of the Council¹⁵ and Regulation (EU) 1143/2014 of the European Parliament and of the Council¹⁶, in particular by developing the knowledge base for policy development and implementation and by developing, testing, demonstrating and applying best practices and solutions, **such as effective management**, 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 **and the Member States** should track ~~its~~ **their** biodiversity-related expenditure to fulfil ~~its~~ **their** reporting obligations under the Convention on Biological Diversity. Requirements for tracking in other relevant Union legislation should also be met. Biodiversity-related **Union** spending will be tracked using a specific set of markers¹⁷.

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~~**2018**) 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-, **on a complementary basis.** 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. **Through the BEST preparatory action adopted in 2011 and the subsequent BEST 2.0 Programme and BEST RUP project,** BEST has helped to raise awareness for the ecological importance of the Outermost Regions and Overseas Countries and Territories ~~for~~ **and their key role in** conserving global biodiversity. **The Commission estimates that the need for financial support for projects on the ground in those territories is EUR 8 million per year.** 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 **therefore** appropriate ~~to allow~~ **for** the LIFE Programme to ~~continue financing~~ **finance** small grants for biodiversity, **including capacity building and catalytic actions,** in both the Outermost Regions and the Overseas Countries and Territories.

(16) Promoting the circular economy **and resource efficiency** 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 **application of the waste hierarchy and the** implementation of waste management and prevention plans. Through supporting the implementation of ~~Council Conclusion~~ **Commission Communications** of ~~25 June~~ **16 January** 2018 on ~~delivering on the EU Action Plan~~ **"A European Strategy for the Plastics in a Circular Economy"**¹⁸ ~~{...}~~,¹⁹ action can be taken to address the problem of marine litter in particular.

(16a) A high level of environmental protection is of fundamental importance for the health and well-being of Union citizens. The Programme should support the Union's objective to produce and use chemicals in ways that lead to the minimisation of significant adverse effects on human health and the environment, with a view to reaching the objective of a non-toxic environment in the EU. The Programme should also support activities to facilitate the implementation of Directive 2002/49/EC of the Parliament and of the Council¹⁹ in order to achieve noise levels that do not give rise to significant negative impacts on and risks to human health.

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

¹⁹ Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise - Declaration by the Commission in the Conciliation Committee on the Directive relating to the assessment and management of environmental noise (OJ L 189, 18.7.2002, p. 12).

- (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 environment²⁰, **while reinforcing the synergies between air quality improvements and greenhouse gas emission reduction.** Public awareness about air pollution is high and citizens expect authorities to act-, **in particular in areas where the population and ecosystems are exposed to high levels of air pollutants.** Directive (EU) 2016/2284 of the European Parliament and of the Council[...]²⁰ 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) Directive 2000/60/EC²¹ established a framework for the protection of the Union's surface waters, coastal waters, transitional waters and groundwater. The objectives of [...]²¹ that Directive are supported by [...]²¹ **better implementation and** 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~~ **complementary actions** under other Union programmes or financial sources.

²⁰ **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).**

²¹ 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

(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 Council²²; the promotion of clean and healthy seas; the implementation of ~~Council Conclusion of 25 June 2018~~the Commission communication on delivering on the EU Action Planstrategy for plastic in a circular economy, to address the ~~Circular Economy~~ [...] problem of lost fishing gear and marine litter in particular; 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.

²² 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, **including through a communication strategy that takes into account new media and social networks**, consumer engagement, and broadening of stakeholder involvement **at all levels**, including non-governmental organisations, in consultation on and implementation of related policies. **It is, therefore, appropriate that the Programme support a broad range of NGOs as well as networks of non-profit-making entities that pursue an aim which is of general Union interest, and that are primarily active in the field of environment or climate action, by awarding, in a competitive and transparent manner, operating grants, in order to help such NGOs, networks and entities to make effective contributions to Union policy, and to build up and strengthen their capacity to become more efficient partners.**
- (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 **and enforcement of, and compliance with, the environment and climate acquis, in particular** 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 Matters²³.
- (22) The LIFE Programme should prepare and support market players for the shift towards a [...] **sustainable**, circular, energy-efficient, renewable energy-based, [...] ~~low emissions~~ and climate-**neutral and** -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 OJ L 124, 17.5.2005, p. 4.

(22a) The Programme is designed to support the demonstration of techniques, approaches and best practices that can be replicated and upscaled. Innovative solutions would contribute to the improvement of environmental performance and sustainability, in particular for the development of sustainable farming practices in the areas active in the fields of climate, water, soil, biodiversity and waste. Synergies with other programmes and policies, such as the European Innovation Partnership for Agricultural Productivity and Sustainability and the EU Eco-Management and Audit Scheme, should be emphasised in this regard.

(23) At Union level, large investments in environmental and climate actions are primarily funded by major Union funding programmes (mainstreaming). **It is therefore imperative to step up the mainstreaming efforts, to ensure sustainability, biodiversity and climate proofing of other Union funding programmes and the integration of sustainability safeguards in all Union instruments.** 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.

(23a) The success of strategic nature projects and strategic integrated projects depends on close cooperation between national, regional and local authorities and the non-state actors affected by the Programme's objectives. The principles of transparency and disclosure regarding decisions concerning the development, implementation, assessment and monitoring of projects should, therefore, be applied, in particular in the case of mainstreaming or when multiple funding sources are involved.

[(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 ²⁴ 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~~, **such as media campaigns, in order to better** disseminate project results and to facilitate exchanges of experience, knowledge and best practices and the replication of project results across the Union, **thus promoting cooperation and communication.** 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. **It is essential that such communication and cooperation activities are addressed to regional and local authorities and stakeholders.**

²⁴ Doc. 13715/17 - COM(2017) 623 final.

(26a) Quality ~~should serve as is~~ 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~~ **Commission should pursue an effective, quality-based geographical coverage across the Union, including by supporting Member States to increase the quality of the projects through capacity building.** **Specification of low effective participation and eligible activities and award criteria to the LIFE Programme** will be ~~specified set out~~ 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-²⁵) 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-²⁶, for the European Parliament and the Council during the annual budgetary procedure.

²⁵ Doc. 5485/18 - COM(2018) 10 final, p. 5.

²⁶ OJ C 373, 20.12.2013, p. 1-

(28a) The maximum co-financing rates should be set at levels which are necessary to maintain the effective level of support provided by the Programme. In order to take into account the necessary adaptability that is needed to respond to the existing range of actions and entities, specific co-financing rates will facilitate certainty, while maintaining a degree flexibility that be afforded as per specific needs or requirements. The specific co-financing rates should always be subject to the established relevant maximum co-financing rates.

(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 **Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council**²⁷ (the Financial Regulation), Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council²⁸ and Council Regulations (Euratom, EC) No 2988/95²⁹, **Council Regulation** (Euratom, EC) No 2185/96³⁰ and **Council Regulation** (EU) 2017/1939³¹, the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities and, **including** fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions.

²⁷ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

²⁸ 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).

²⁹ 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).

³⁰ 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).

³¹ [Full title + OJ L info].

In particular, in accordance with Regulations (EU, Euratom) No 883/2013 and **Regulation** (Euratom, EC) No 2185/96, the European Anti-Fraud Office (OLAF) may carry out **administrative** 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 (~~("the EPPO")~~) may investigate and prosecute ~~fraud and other illegal activities affecting the~~ **offences against the Union's** financial interests ~~of the Union as~~, provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council³². 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, to~~ grant the necessary rights and access to the Commission, OLAF, the ~~European Public Prosecutor's Office (EPPO)~~ **in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939**, and the European Court of Auditors (ECA), and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

³² 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).

- (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. **The Commission should ensure that implementation is easy to understand, and should promote genuine simplification for project developers.**
- (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.

(33) Pursuant to Article 94 of Council Decision 2013/755/EU³³, 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.]

³³ - 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 Council³⁴. 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.

³⁴ 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~~ **ensure that support from and implementation** of the ~~indicators~~ **Programme is consistent with the policies and priorities of the Union**, 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, **in order** to amend the indicators ~~to be used~~ **or supplement this Regulation in respect of the indicators, and** for the purposes of ~~reporting on progress~~ **establishment** 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~~ **monitoring and evaluation framework**. 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 **a high level of environmental protection and ambitious climate action with good governance and a multi-stakeholder approach** sustainable development and to the achievement of the objectives and targets of the Union environment, **biodiversity**, climate, **circular economy**, and relevant [...] **renewable energy and energy efficiency** -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 the~~ period [...], 2021-2027, 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

Programme objectives

1. The general objective of the LIFE Programme ~~[...]~~ shall be to contribute to the shift towards a ~~[...]~~ **sustainable**, circular, energy-efficient, renewable energy-based, ~~low emissions~~ ~~[...]~~ and climate-**neutral and**-resilient economy, ~~[...]~~ to the ~~protection~~ **protect, restore** and ~~improvement of~~ **improve** the quality of the environment, **including the air, water and soil**, and to ~~halting~~ **halt** and ~~reversing~~ **reverse** biodiversity loss **and to tackle the degradation of ecosystems**, 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 and on** climate action, including the transition to ~~[...]~~ renewable energy ~~or and~~ increased energy efficiency, **and to contribute to the knowledge base and to the application of best practice, in particular in relation to nature and biodiversity, including through the support of the Natura 2000 network;**
 - ~~(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 and on** climate action and the transition to renewable energy or increased energy ~~efficiency~~ **efficiency**, including by improving governance **at all levels, in particular** 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 [...]~~**and on** climate action and the transition to renewable energy or increased energy ~~efficiency~~**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 ³⁵ [the new Multiannual Financial Framework Regulation] and the Financial Regulation.]

³⁵ [Please insert full title and OJ info].

- 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.
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 [...]achieving** 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, **if they serve the purposes of the objectives as set out in Article 3;**
 - (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) No883/2013 of the European Parliament and of the Council concerning investigations conducted by the European Anti-Fraud Office (OLAF).]

Article 6a
International cooperation

In the course of implementing the LIFE Programme, cooperation with relevant international organisations, and with their institutions and bodies, shall be possible where needed for the purpose of achieving the general objectives set out in Article 3.

Article 7
Synergies with other Union programmes

The Commission shall facilitate ~~consistency of the~~ **consistent** implementation of the LIFE Programme [...] **and the Commission and the Member States shall facilitate coherence and coordination** 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. **The Commission and Member States shall pursue complementarity at all levels.**

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), **to projects financed through other forms of funding to the extent specified within the multiannual work programme,** 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 Commission shall ensure that the projects financed by other forms of funding are fully in line with the objectives set out in Article 3 of this Regulation.~~

The maximum amount allocated to grants as referred to in Article 10(3b) shall be [15 Mio EUR].

- 2b. ~~A standard~~ **The maximum** co-financing ~~rate~~ **rates** for the **eligible** actions referred to in ~~Articles points (a), (b), (c) and (d) of Article 10(2) and 10(5) of~~ **shall be up to** 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) — and~~ up to 75% of eligible costs ~~[...]~~ **for% in the case of** projects funded under the sub-programme Nature and Biodiversity, ~~in the field Environment particular those~~ 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. For the actions referred to in Article 10(5), the maximum co-financing rate shall be 70 % of the eligible costs. Without prejudice to the relevant and determined maximum co-financing rates, specific rates shall be further specified in the multiannual work programme referred to in Article 17. They may be adapted in accordance with the requirements of each sub-programme, project type or type of grant.**

~~b) — up to~~ **For projects as described in Article 10(3b) the maximum co-financing rates shall not exceed** 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, **the co-financing rate shall be 75%** of eligible costs.

- 2c. ~~While quality serves as~~ **Quality is** the ~~leading~~ criterion governing the project evaluation and award process, ~~in~~ the **LIFE Programme. The** Commission shall ~~implement the LIFE Programme in a way that pursues~~ **pursue an effective, quality-based** geographical balance. ~~In case such a balance is not reached the Commission shall provide an analysis of underlying reasons to~~ **coverage across** the ~~Committee for~~ **Union, including by supporting Member States to increase** the ~~LIFE Programme referred to in Article 20a.~~ **quality of the projects through capacity building.**

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~~ **Other** actions needed for the purpose of achieving the general objective set out in Article 3(1), **including coordination and support actions aimed at capacity-building, dissemination of information and knowledge, and awareness raising to support the transition to renewable energy and increased energy efficiency.**
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~~ **and** regional plans, strategies and policies on nature and biodiversity conservation, ~~inter alia,~~ **including** in prioritised action frameworks established pursuant to Directive 92/43/EEC.
- 3b. Technical assistance projects for **capacity building related to the activities of Member States' authorities to improve the effective participation of underperforming Member States in the LIFE programme** shall support activities of ~~those~~ Member ~~State authorities aiming~~ **States with low effective participation, with a view to improve** ~~improving the~~ National Contact Points services across the EU, ~~as well as and~~ to ~~increase~~ **increasing** 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~~ **are involved in** 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~~ **whenever** possible, shall promote the use of green public procurement;
- (aa) projects ~~financed by the LIFE Programme~~ shall ~~be~~ **ensure a** cost-effective **approach** and **be** technically and financially coherent;
- (ab) projects with the highest potential contribution for the achievement of the objectives set out in Article 3 shall be given priority;**
- (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, **areas of high natural value** 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: **and that the action pursues the environmental or climate objectives set out in Article 3, and does not undermine any of them.** 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 **and eligibility criteria** 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, **with due regard to sustainability and transparency requirements**.

CHAPTER IV
PROGRAMMING, MONITORING, REPORTING AND EVALUATION

Article 17
*Multiannual ~~work~~**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.;

(ac) the maximum total amount for grants to be awarded to the bodies listed in Annex I in accordance with Article 12;

- (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;

(da) indicative timetables for the calls for proposals for the period covered by the multiannual work programme;

- (e) the technical methodology for the project **submission and** 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);

(ebb) the maximum co-financing rates for the eligible actions referred to in Article 10(2) e;

- (ec) detailed rules concerning the application of cumulative, complementary and combined funding, **where relevant**;
- (ed) the specification of ~~**underperformance as well as low effective participation and**~~ eligible activities **and award criteria** for technical assistance projects for the **capacity building related to the activities of Member States' authorities for the** effective participation in the LIFE ~~**Programme-programme**~~.

2a. The duration of the first multiannual work programme shall be four years and the duration of the second multiannual work programme shall be three years.

2b. In the framework of the multiannual work programmes the Commission shall publish calls of proposals for the covered period. The Commission shall ensure that unused funds in a given call for proposals are reallocated between the different types of actions referred to in Article 10(2) within the same field.

2c. The Commission shall ensure stakeholder consultation in the development of the multiannual work programmes.

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, including** in view of their alignment with indicators set out for other Union programmes [...], **and to supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework.**
- ~~3. The [...]~~ **2a. The Commission shall be empowered to adopt delegated acts in accordance with Article 21 to define on the basis of Annex II specific indicators for each sub-programme and type of projects.**
- 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-relevant** 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 **with due regard to coherence, synergies, Union added value and long-term sustainability, using Union's climate and environment priorities.**

2. The Commission shall perform the ~~interim~~ **mid-term** evaluation of the LIFE Programme [...] once there is sufficient information available about the implementation of the Programme, but no later than ~~four years~~ **42 months** after the start of the LIFE Programme implementation, **making use of the output and result indicators as set in accordance with Annex II.**

The evaluation shall cover at least the following:

- (a) qualitative and quantitative aspects of the implementation of the Programme;**
- (b) efficiency of the use of resources;**
- (c) the degree to which the objectives of all the measures have been achieved, specifying where possible, results and impacts;**
- (d) the actual or expected success of projects in leveraging other Union funds, taking into account, in particular, the benefits of increased coherence with other Union financial instruments;**
- (e) the extent to which synergies between the objectives have been reached and its complementarity with other relevant Union programmes;**
- (f) the Union added value and long-term impact of the LIFE Programme, with a view to taking a decision on the renewal, modification or suspension of the measures;**
- (g) the extent to which stakeholders have been involved;**
- (h) a quantitative and qualitative analysis of the contribution of the LIFE Programme to the conservation status of habitats and species listed under Directives 92/43/EEC and 2009/147/EC;**
- (i) an analysis of the geographical coverage across the Union, as referred to in article 8(2c), and, if no such coverage is reached, an analysis of the underlying reasons.**

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 [...] **the second paragraph of** Article 1, ~~the Commission shall carry out~~ a final evaluation of the LIFE Programme [...] **shall be carried out by the Commission.**
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 **and the Commission shall make the results of the evaluations publicly available.**

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, **where this is not feasible,** 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~~**Programme** 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) **and (2a)** shall be conferred on the Commission until 31 December 2028.

3. The delegation of power referred to in Article 18(2) **and (2a)** 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) **and (2a)** 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 Council³⁶ 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].

³⁶ 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).

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 Council³⁷, to finance the LIFE Programme.

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

³⁷ 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).

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 **projects, including** 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
 - **Chemicals**
 - **Noise**
 - **Resource use and efficiency**
- 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 IIIa

The LIFE-Programme logo

