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 (Text with EEA relevance)

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

(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 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[(1)],

Having regard to the opinion of the Committee of the Regions[(2)],

Acting in accordance with the ordinary legislative procedure[(3)],

Whereas:

(1) Union environmental and climate 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 consequences for the Union.

(2) Tackling those environmental and climate challenges should, due to their scale and complexity, be funded primarily through the Union's major funding programmes. In its Communication of 29 June 2011 entitled "A Budget for Europe 2020", recognising the climate change challenge, the Commission stated that it intends to increase the climate-related proportion of the Union budget to at least 20 % with contributions from different policies. This Regulation should contribute to the achievement of that goal.

(3) Those Union funding programmes cannot address all specific needs relating to the environment and climate action. For the environment and for climate action, specific approaches are required to deal with uneven integration of their objectives into Member States' practices, uneven and inadequate implementation of the legislation in the Member States, and insufficient dissemination of information about, and promotion of, policy goals. It is appropriate to provide a follow-up to the programme established by Regulation (EC) No 614/2007 of the European Parliament and of the

Council[4] and adopt a new regulation. Therefore, this Regulation should establish a dedicated funding Programme for the Environment and Climate Action (the "LIFE Programme"). In order for Union funding to achieve substantial impact, close synergies and complementarity should be developed between the LIFE Programme and other Union funding programmes.

(4) Environmental assets are unevenly distributed across the Union, but their benefits concern, and are felt by, the Union as a whole. The Union's obligation to preserve those assets calls for the consistent application of the principles of solidarity and responsibility sharing, which require that some Union environmental and climate problems be better addressed at regional or local level. Since 1992, LIFE programmes have played an essential role for better solidarity and responsibility sharing in preserving the common good of the Union's environment and climate. The LIFE Programme should continue playing that role.

(5) Given its characteristics and size, the LIFE Programme cannot solve all environmental and climate problems. Rather, its objective should be to act as a catalyst for changes in policy development and implementation by providing and disseminating solutions and best practices to achieve environmental and climate goals, and by promoting innovative environmental and climate change technologies. In that endeavour, the LIFE Programme should support the implementation of the General Union Environment Action Programme to 2020 "Living well, within the limits of our planet" as established by Decision of the European Parliament and of the Council[5] ("7th Environment Action Programme").

(6) This Regulation lays down a financial envelope of EUR 3 456,655 million in current prices, which amounts to 0,318 % of the total amount of commitment appropriations referred to in Council Regulation (EU, Euratom) No 1311/2013[6], for the entire duration of 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, cooperation in budgetary matters and on sound financial management[7], for the European Parliament and the Council during the annual budgetary procedure.

(7) In line with the conclusions of the Luxembourg European Council of December 1997 and of the Thessaloniki European Council of June 2003, candidate countries and the Western Balkan countries involved in the Stabilisation and Association Process, as well as countries to which the European Neighbourhood Policy applies, should be eligible to participate in Union programmes, in accordance with the conditions laid down in the relevant bilateral or multilateral agreements concluded with those countries.

(8) Pursuant to Council Decision 2001/822/EC[8] (the Overseas Association Decision), individuals from an overseas country or territory (OCT) and, where applicable, the relevant public and/or private bodies and institutions in an OCT are eligible to participate in Union programmes, subject to the rules and objectives of the programme in question, as well as to the arrangements applicable to the Member State to which the OCT is linked.

(9) For environmental and climate action-related investments within the Union to be effective, some activities need to be implemented outside its borders. Those investments may not always be financed under the Union's external action financial instruments. Interventions in countries not directly participating in the LIFE Programme, and participation of legal persons based in those countries in activities financed under the LIFE Programme should exceptionally be possible, provided specific conditions set out in this Regulation are met.

(10) This Regulation should also provide a framework for cooperation with and for providing support to relevant international organisations with a view to responding to environmental and climate policy needs that do not fall within the scope of external action financial instruments, such as certain studies.

(11) Environmental and climate requirements should be integrated into the Union's policies and activities. The LIFE Programme should therefore be complementary to other Union funding programmes, including the European Regional Development Fund[(9)], the European Social Fund[(10)], the Cohesion Fund[(11)], the European Agriculture Guarantee Fund[(12)], the European Agricultural Fund for Rural Development[(13)], the European Maritime and Fisheries Fund, and Horizon 2020 - The Framework Programme for Research and Innovation[(14)] ("Horizon 2020").
The Commission and Member States should ensure such complementarity at all levels. At Union level, complementarity should be ensured by establishing structured cooperation between the LIFE Programme and the shared-management Union funding programmes in the Common Strategic Framework, established by Regulation of the European Parliament and of the Council (EU) No 1303/2013[(15)] ("Common Provisions Regulation"), in particular in order to promote funding of activities that complement integrated projects or support the use of solutions, methods and approaches developed under the LIFE Programme. The LIFE Programme should also encourage the uptake of the results of environmental and climate-related research and innovation of Horizon 2020. Within this context it should offer co-financing opportunities for projects with clear environmental and climate benefits in order to ensure synergies between the LIFE Programme and Horizon 2020. Coordination is required to prevent double funding. The Commission should take steps to prevent overlap and additional administrative burden on project beneficiaries arising from reporting obligations from different financial instruments. To ensure clarity and the practical feasibility of integrated projects under the LIFE Programme, potential arrangements for cooperation should be laid down at an early stage. Member States should envisage referring to such arrangements in their Partnership Agreements to ensure that advantages of integrated projects can be taken into account during the drawing-up of operational or rural development programmes.

(12) Halting and reversing the loss of biodiversity and improving resource efficiency, together with addressing environment and health-related concerns, remain key challenges for the Union. These challenges require increased efforts at Union level to provide solutions and best practices that help to achieve the targets of the Commission Communication of 3 March 2010 entitled "Europe 2020: a strategy for smart, sustainable and inclusive growth" (the "Europe 2020 Strategy"). In addition, improved

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) No 1293/2013 of the European Parliament and of the Council. (See end of Document for details)*

governance, in particular through awareness raising and stakeholder involvement, is essential to deliver environmental objectives. Therefore the sub-programme for Environment should have three priority areas for action: Environment and Resource Efficiency, Nature and Biodiversity, and Environmental Governance and Information. It should be possible for projects financed by the LIFE Programme to contribute to the achievement of the specific objectives of more than one of those priority areas and to involve the participation of more than one Member State.

(13) The Commission Communication of 20 September 2011 entitled "Roadmap to a Resource Efficient Europe" proposed the milestones and actions that are needed to put the Union on a path to resource-efficient and sustainable growth. Therefore, the priority area Environment and Resource Efficiency should support the effective implementation of Union environmental policy by the public and private sectors, in particular in the environmental sectors covered by the Roadmap to a Resource Efficient Europe, by facilitating the development and sharing of new solutions and best practices. In this context the Commission should ensure consistency and avoid overlap with Horizon 2020.

(14) The Commission Communication of 3 May 2011 entitled "Our life insurance, our natural capital: an EU biodiversity strategy to 2020" (the "Union Biodiversity Strategy to 2020") has set targets to halt and reverse biodiversity loss. Those targets include, inter alia, the full implementation of Council Directive 92/43/EEC[(16)] and Directive 2009/147/EC of the European Parliament and of the Council[(17)], as well as maintaining and restoring ecosystems and their services. The LIFE Programme should contribute to achieving those targets. Therefore, the priority area Nature and Biodiversity should focus on the implementation and management of the Natura 2000 network set up under Directive 92/43/EEC, in particular in relation to the prioritised action framework prepared on the basis of Article 8 of that Directive, on the development and dissemination of best practices in relation to biodiversity and Directives 92/43/EEC and 2009/147/EC, as well as on the wider biodiversity challenges identified by the Union Biodiversity Strategy to 2020.

(15) The contribution of the LIFE Programme to the annual funding needs of the Natura 2000 network should be seen in the context of secured biodiversity expenses from other Union funds. Particular importance should be given to integrated projects under the LIFE Programme as a coordinated funding mechanism for the Natura 2000 network, given their potential to leverage funds and to increase the absorption capacity for nature and biodiversity spending within other Union funds.

(16) Forests play a significant role for environment and climate as regards, for instance, biodiversity, water, soil, and climate change mitigation and adaptation. Forests and soils help to regulate the climate by taking up carbon dioxide (CO_2) from the atmosphere and storing immense amounts of carbon. To optimise that role, the provision of relevant, compatible data and information is necessary. This Regulation should therefore also represent a framework for supporting synergies between environmental and climate actions associated with forests and soils, including their monitoring. Other areas for

increased synergies are water scarcity and droughts, as well as management of flood risks.

(17) With a view to optimising the use of LIFE Programme resources, synergies between actions under the sub-programme for Environment, in particular to protect biodiversity, and climate change mitigation and adaptation measures under the sub-programme for Climate Action should be fostered.

(18) The Commission Communication of 15 December 2011 entitled "A Roadmap for moving to a competitive low carbon economy in 2050" (the "Roadmap 2050") acknowledged that testing new approaches to climate change mitigation would remain essential for moving to a low-carbon economy. Adaptation to climate change, as a cross-cutting Union priority, also needs to be ensured. Moreover, governance promotion and awareness raising is essential to deliver constructive results and to ensure stakeholder involvement. Therefore, the sub-programme for Climate Action should support efforts contributing to three priority areas: Climate Change Mitigation, Climate Change Adaptation and Climate Governance and Information. It should be possible for projects financed by the LIFE Programme to contribute to the achievement of the specific objectives of more than one of those priority areas and to involve the participation of more than one Member State.

(19) The priority area Climate Change Mitigation should contribute to the development and implementation of Union climate-related policy and legislation, in particular with regard to greenhouse gas monitoring and reporting, policies related to land use, land-use change and forestry, conservation of natural carbon sinks, the emissions trading system, Member States' effort to reduce greenhouse gas emissions, carbon capture and storage, renewable energy, energy efficiency, transport and fuels, ozone layer protection and fluorinated gases. The construction of carbon capture and storage infrastructure is considered beyond the scope of the LIFE Programme and is therefore not to be supported.

(20) The first consequences of climate change can already be seen in Europe and worldwide, such as extreme weather conditions leading to floods and droughts, and rising temperatures and sea levels. The priority area Climate Change Adaptation should therefore help populations, economic sectors and regions to adapt to such impacts through specific adaptation measures and strategies, in order to ensure a more resilient Union. Actions in this field should be complementary to actions eligible for funding under the civil protection financial instrument as established by Decision No 1313/2013/EU of the European Parliament and of the Council[(18)]. The construction of large infrastructure is considered beyond the scope of the LIFE Programme and is therefore not to be supported.

(21) Full implementation of environmental and climate policy and legislation is inextricably linked to achieving better governance, improving stakeholder involvement and disseminating information. Therefore, the priority areas Governance and Information should in both sub-programmes support the development of cooperation platforms and the sharing of best practices for more effective compliance and enforcement, including training programmes for judges and public prosecutors, and should generate support