**ORDINARY LEGISLATIVE procedure – First reading**

**Follow up to the European Parliament legislative resolution on the 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**

**1. Rapporteur:** Gerben-Jan GERBRANDY (ALDE / NL)

**2. Reference numbers:** 2018/0209 (COD) / A8-0397/2018 / P8\_TA-PROV(2019)0405

**3. Date of adoption of the resolution:** 17 April 2019

**4. Legal basis:** Article 192 of the Treaty on the Functioning of the European Union

**5. Competent Parliamentary Committee:** Committee on Environment, Public Health and Food Safety (ENVI)

**6. Commission's position:** Accepts the amendments agreed in the inter-institutional negotiations that form the common understanding reached between the co-legislators but reserves its position with regard to all horizontal aspects relating to the overall Multi-annual Financial Framework that are not included in the common understanding.

The Commission has issued the following statements in response to the common understanding reached between the co-legislators regarding the LIFE programme:

1. Statement on the Programme’s logo

“The Commission regrets that the co-legislators decided to maintain the LIFE logo. This runs counter to the horizontal approach of not having programme-specific logos under the future long-term budget. The Commission’s intention is to make sure that Europeans can relate to the Union as a whole thanks to the use of the single European emblem by its different programmes.

This emblem is common to all EU Institutions and will be an important part of the simple, coherent and binding communication and visibility requirements across programmes.

For the sake of reaching overall agreement on the programme, the Commission can accept to maintain the LIFE logo under the condition that it remains limited to the LIFE programme in the concerned programming period.

The Commission remains convinced that communication and visibility of EU action towards a broad public is more effective without programme-specific logos. The Commission remains at the co-legislators’ disposal to demonstrate this well ahead of the negotiations of the subsequent programming period”.

1. Statement on the lack of justification for the examination procedure and the no-opinion clause

“The Commission recalls that where the legislator departs from the criteria set out in Article 2 of the Regulation 182/2011, its choice for a different procedure should be justified. The Commission considers that the condition for having recourse to examination procedure which is that the implementing act has "substantial implications" relates to the amount of the budget involved and that this condition is not fulfilled in the case of the LIFE programme.

In addition, the Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5 § 4, subparagraph 2, point b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle, which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5 (4) recourse to subparagraph 2, point b) cannot be simply seen as a "discretionary power" of the legislator, but must be interpreted in a restrictive manner and thus must be justified”.

1. Statement on the lack of end date

“The Commission underlines that its proposal identifies the budget of the LIFE programme for the period 2021-2027 in line with the corresponding multiannual financial framework, while leaving open-ended the duration of the Programme. This will enhance certainty about continuity of funding under the LIFE Regulation. The Commission confirms that the open-ended duration for the programme is without prejudice to the prerogative of the Commission to present a LIFE successor programme for the next MFF, for full consideration by the co-legislators”.