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FRANCE
Accompanying the document
Communication from the Commission to the European Parliament, the
Council, the European Economic and Social Committee and the
Committee of the Regions
Environmental Implementation Review 2019: A Europe that protects its
citizens and enhances their quality of life

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CORRIGENDUM

This document corrects document SWD(2019) 120 final of 04.04.2019
Footnote 22 modified (there was a double)
The text shall read as follows:

COMMISSION STAFF WORKING DOCUMENT

**The EU Environmental Implementation Review 2019
Country Report - FRANCE**

Accompanying the document

**Communication from the Commission to the European Parliament, the Council, the
European Economic and Social Committee and the Committee of the Regions**

**Environmental Implementation Review 2019:
A Europe that protects its citizens and enhances their quality of life**

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Executive summary

France and the Environmental Implementation Review (EIR)

The 2017 EIR identified the following main challenges as regards the implementation of EU environmental policy and law in France:

- improving air quality by taking forward-looking, rapid and effective action to reach EU-based air pollution limit values;
- taking the necessary measures to improve water quality, particularly reducing nitrate pollution;
- effectively protecting biodiversity by enforcing the applicable law to ensure the protection of habitats and species.

Since the 2017 EIR, France has not yet held an EIR national dialogue to tackle the above challenges but held discussions with the Commission on nature or access to justice.

In 2017 the Commission launched the TAIEX-EIR Peer-to-Peer (**EIR P2P**), a practical new tool designed to facilitate peer-to-peer learning between environmental authorities. France has taken part in peer-to-peer information sharing on the circular economy, air, nature and biodiversity and forests.

Progress with tackling challenges since the 2017 report

The **2019 EIR** shows that **air quality** in France continues to give serious cause for concern, with an estimated 34 880 premature deaths attributable to fine particulate matter concentrations and 9 330 to nitrogen dioxide concentrations. Although emissions of several air pollutants and fine particulate matter have been reduced, limit values continue to be exceeded. Additional efforts are needed to reach the targets set by the new National Emissions Ceilings Directive for 2020-2029.

France has identified air quality as a major challenge and adopted an ambitious agenda of planning measures to reduce emissions, technical improvements, and tax incentives to tackle air pollution at all levels. A legal framework to improve air quality is in place. However, it will take time for the measures it covers to produce tangible results. Further measures are needed to accelerate reductions in emissions of nitrogen oxide (NO_x), nitrogen dioxide (NO₂) and concentrations of fine particulate matter, transport emissions being a particular concern.

There has been progress on **water quality**, notably as regards bathing water, the collection and treatment of urban waste water (although 112 agglomerations are

now non-compliant with the Directive), and the identification and mapping of areas at risk of flooding. **Nitrate pollution** remains a concern, despite the efforts made by the French government.

Nature conservation has seen some progress, with the designation of special conservation areas and the definition of management plans. However, there is **considerable room for improvement**. The following concerns remain:

- implementing conservation measures effectively, with appropriate funding,
- better integrating nature protection into other policies, especially farming and fisheries,
- hunting.

France remains efficient in deploying EU funds and developing innovative approaches to integrating environmental considerations into certain sectors so as to reduce their impact on the environment. The country is very active in areas including the transition to a circular economy, green public procurement and improving environmental protection in cities.

Examples of good practice

- The ambitious roadmap for the **circular economy** adopted in April 2018 sets out some of the steps that need to be taken to progress towards an economy based on sustainable design, reuse, repair and recycling. The roadmap is designed to cut resource use and consumption by 30 % by 2030, halve the amount of non-hazardous waste landfilled by 2025, introduce an ambitious target of 100 % plastics recycling by 2025 and create 300 000 new jobs.
- France now has an ambitious **biodiversity plan** which makes nature protection and preventing the loss of biodiversity central to government priorities, on the same footing as combating climate change. The plan is designed to develop biodiversity at regional level, promote economic activities with low impacts on biodiversity, protect and preserve nature, and develop an ambitious international road map for biodiversity.
- The **single environmental permit represents a major simplification**. The procedures and decisions required for the authorisation of industrial projects and projects covered by the Water Act were merged in April 2017. The single environmental permit has simplified and streamlined procedures without lessening environmental protection. It will also improve legal certainty for the project promoter. Whereas before the reform a project

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could require several environmental permits, it now needs just one application , one contact person and one environmental permit. The reform should help save time and tighten deadlines while protecting the fundamental interests covered by the applicable legislation.

Part I: Thematic areas

1. Turning the EU a circular, resource-efficient, green and competitive low-carbon economy

Measures towards a circular economy

The Circular Economy Action Plan emphasises the need to move towards a life-cycle-driven ‘circular’ economy, reusing resources as much as possible and bringing residual waste close to zero. This can be facilitated by developing and providing access to innovative financial instruments and funding for eco-innovation.

Following the adoption of the Circular Economy Action Plan in 2015 and the setting up of a related stakeholder platform in 2017, the European Commission adopted a new package of deliverables in January 2018¹. This included additional initiatives such as: (i) an EU strategy for plastics; (ii) a Communication on how to address the interplay between chemical, product and waste legislation; (iii) a report on critical raw materials; and (iv) a framework to monitor progress towards a circular economy².

Among these key indicators, the circular (secondary) use of material in France was 19.5 % in 2016, the highest Europe’s figure (the EU-28 average was 11.7 %). However, France employs fewer people in the circular economy than the EU-28 average (1.52 % of total employment in 2016, compared with the EU-28 average of 1.73 %). The index has a consistent difference between years 2014 and 2015, with a swift decrease from the 2014 measurement at 1.78 %.

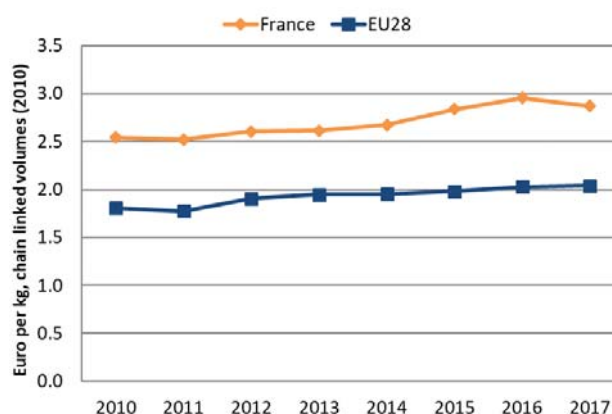
The 2017 special Eurobarometer on EU citizens’ attitudes towards the environment suggests that 88 % of French citizens are concerned about the environmental impact of plastic products (the EU-28 average is 87 %). 93 % are worried about the impact of chemicals (EU-28 average 90 %)³.

France has strongly supported the development of eco-industries, eco-innovation and the circular economy in recent decades. It has done this through policy initiatives and programmes to support eco-innovation and R&D programmes, including the circular economy. These policy measures complement existing support schemes,

including some designed to promote innovation in general rather than solely eco-innovation.

As regards resource productivity⁴ (how efficiently the economy uses material resources to produce wealth), France is performing well, with EUR 2.87/kg (the EU average is 2.04) in 2017⁵. Figure 1 shows that France’s resource productivity rose steadily between 2010 and 2016. Despite the 2017 dip, France’s resource productivity was the EU’s fifth highest in that year.

Figure 1: Resource productivity, 2010-2017⁶.



Regional authorities also support eco-innovation and the circular economy.

In April 2018, France published the first circular economy roadmap, designed to create up to 300 000 new jobs. It touches upon several areas that are central to achieving a more circular economy, including waste management, eco-design of products, consumption, financing, and increased stakeholder involvement.

The roadmap is designed to cut resource use and consumption as a proportion of GDP by 30 % by 2030 (compared to 2010), halve the amount of non-hazardous waste landfilled by 2025 (compared to 2010) and recycle 100 % of plastics by 2025, an ambitious goal. Extended producer responsibility (EPR) schemes will be introduced and producers will be required to inform consumers

¹ European Commission, [2018 Circular Economy Package](#).

² [COM\(2018\) 029](#).

³ European Commission, 2017, [Special 486 Eurobarometer](#), ‘Attitudes of European citizens towards the environment’.

⁴ Resource productivity is defined as the ratio of gross domestic product (GDP) to domestic material consumption (DMC).

⁵ Eurostat, [Resource productivity](#).

⁶ Eurostat, [Resource productivity](#).

about products' lifespan, reparability in terms of a specific new index.



In 2017, France adopted a series of 10 indicators that cover the lifecycle of the products. In March 2018, France's Ministry for Solidarity and Ecology Transition set up the Green Transition Accelerator (AcTE), a think tank that brings together companies, training centres and representatives of employers' organisations and trade unions. AcTE aims to promote green growth, support innovation, make the circular economy a reality and ensure climate plans are implemented.

Policies and action supporting the transition to a circular economy transition are becoming increasingly popular in the regions, complementing government action. Following the 2015 reorganisation of France's regions⁷, 14 of the 18 regions have made support for the circular economy one of the priorities of their innovation strategies⁸.

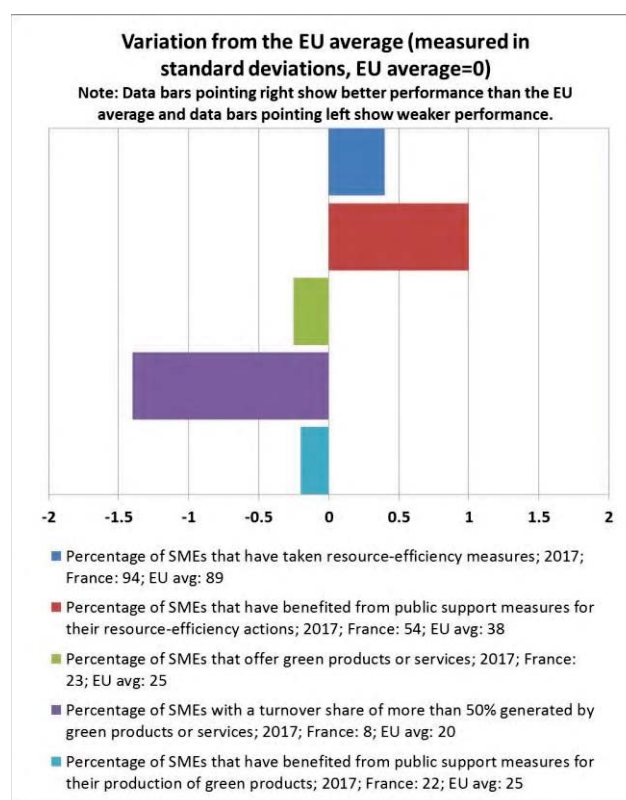
The numbers of EU ecolabel products and EMAS-licensed organisations in a given country indicate whether the private sector and national stakeholders support the shift towards a circular economy and whether public authorities are committed to supporting measures to promote such an economy. By September 2018, France had 518 licences covering 4 971 products registered in the EU ecolabel scheme out of the EU total of 2 167 licences covering 71 707 products, the third highest figure after Spain and Italy⁹. However, only 34 French organisations were registered in EMAS (the European Commission's eco-management and audit scheme) by May 2018¹⁰.

SMEs and resource efficiency

Small and medium-sized companies (SMEs) in France continue to score in line with the EU-28 average as regards the environmental aspects of the Small Business Act, as shown in Figure 2.

France has more companies that have taken resource efficiency measures than other countries, but only a few are developing a distinctly green profile and generating more than half their turnover from green products and services.

Figure 2: Environmental performance of SMEs¹¹



The latest Eurobarometer on 'SMEs, resource efficiency and green markets'¹² asked companies about recent resource efficiency measures and those planned for the next 2 years and compared responses with the situation in 2015. Only 6 % of French companies have taken no resource efficiency measure in the 2 years before the survey. 83 % of companies are taking action to minimise waste, while 60-71 % are saving materials, water and energy. 33 % of French companies are taking action to design products that are easier to maintain and repair (one of the EU's highest scores). However, only 6 % of

⁷ Reorganisation of France's administrative regions (Nouvelle Organisation Territoriale de la République, NOTRe).

⁸ Schéma Régional de Développement Economique d'Innovation et d'Internationalisation (SRDEII).

⁹ European Commission, [Ecolabel Facts and Figures](#).

¹⁰ European Commission, [Eco-Management and Audit Scheme](#).

¹¹ European Commission, [2018 SBA fact sheet - France](#), p. 15.

¹² Flash Eurobarometer 456 'SMEs, resource efficiency and green markets', January 2018. The 8 dimensions were: save energy; minimise waste; save materials; save water; recycle by reusing material internally; design products that are easier to maintain, repair or reuse; use renewable energy; sell scrap materials to another company.

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firms have invested in the use of renewables. Companies' future ambitions for action are rising further from an already high level, with the exception of design, renewable energy use and internal recycling.

24 % of French companies (compared to 22 % in EU-28, range 3 %-38 %) relied on external support in their efforts to be more resource-efficient. 44 % of French businesses mention grants and subsidies as useful help; other forms of support are also considered useful.

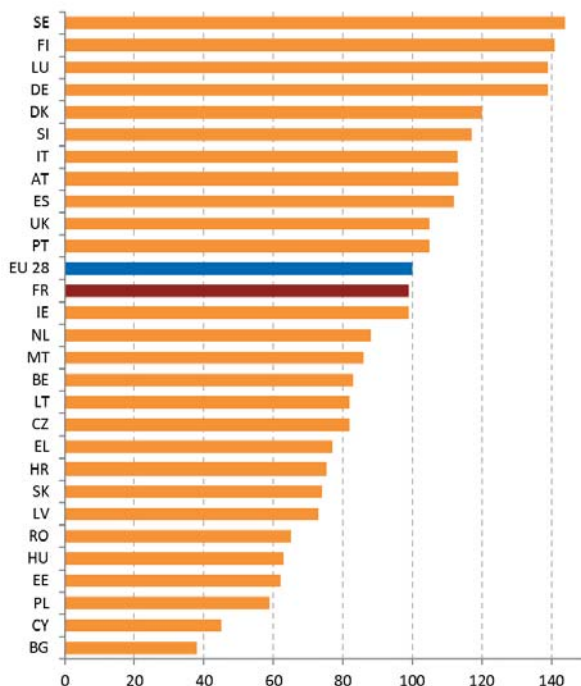
A programme aiming at helping SMEs to save costs through resource efficiency strategies (« TPE & PME gagnantes sur tous les coups ») is on-going.

A real momentum for actions on resource efficiency exists in the French business community and pre-conditions to create impact from this momentum are excellent.

Eco-innovation

In 2018, France ranked 11th on the 2018 European Innovation Scoreboard, being the sixth fastest-growing innovator (an increase of 10.1 % since 2010)¹³. However, its performance is less outstanding in eco-innovation, in which it is ranked 12th among EU countries, according to the 2017 eco-innovation index (Figure 3).

Figure 3: 2017 Eco-innovation index (EU=100)¹⁴



Despite favourable legislation supporting eco-innovation and entrepreneurship since 2003, France remains close to the European average.

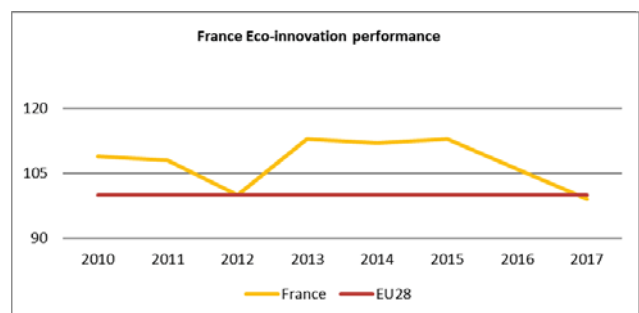
¹³ European Commission, [European innovation Scoreboard 2018](#).

¹⁴ [Eco-innovation Observatory](#): 2017 eco-innovation scoreboard.

It has a strong track record in environmental regulation and support schemes targeting both public and private organisations (including individuals).

France has made the industries of the future (digitalisation, IoT, robotics, 3D-printing, energy efficiency, etc.) a national priority through the national industrial policy (Nouvelle France Industrielle — NFI). It sets priorities for both public and private organisations, seeking to focus public and private funding on supporting the emergence of a set of innovative solutions within the next 5 years. It includes a specific focus on eco-innovation and the circular economy, including the use of new resources, sustainable cities and green industries.

Figure 4: France's eco-innovation performance



France also funds eco-innovation and circular economy companies and solutions through research and innovation programmes, infrastructure and institutions such as the Environment and Energy Management Agency (ADEME, Agence de l'Environnement et de la Maîtrise de l'Énergie).

Despite these positive aspects, legislative and financial barriers prevent many companies from investing in eco-innovation. It appears to be hard to change individual behaviour and social acceptance of sustainable consumption patterns. Banks are still reluctant to fund breakthrough innovations.

As stated above, many local authorities are also involved in supporting eco-innovation and the circular economy. In 2016, 10 of the 15 major cities made a deal with the government to support innovation in energy and environmental transition on the one hand, or smart cities and transport on the other¹⁵.

¹⁵ European Commission, Eco-Innovation Observatory: [Eco-innovation Country Profiles 2016-2017](#).

Waste management

Turning waste into a resource is supported by:

- (i) fully implementing EU waste legislation, which includes the waste hierarchy, the need to ensure separate collection of waste, the landfill diversion targets, etc.;
- (ii) reducing waste generation and waste generation per capita in absolute terms; and
- (iii) limiting energy recovery to non-recyclable materials and phasing out landfilling of recyclable or recoverable waste.

This section focuses on the management of municipal waste for which EU law sets mandatory recycling targets¹⁶.

Municipal waste generation¹⁷ in France has fallen slightly in recent years to 513 kg/inhabitant in 2017. This still puts France 5.5 % above the EU average of 487 kg/inhabitant¹⁸.

Figure 5: Municipal waste by treatment in France, 2010-2017¹⁹

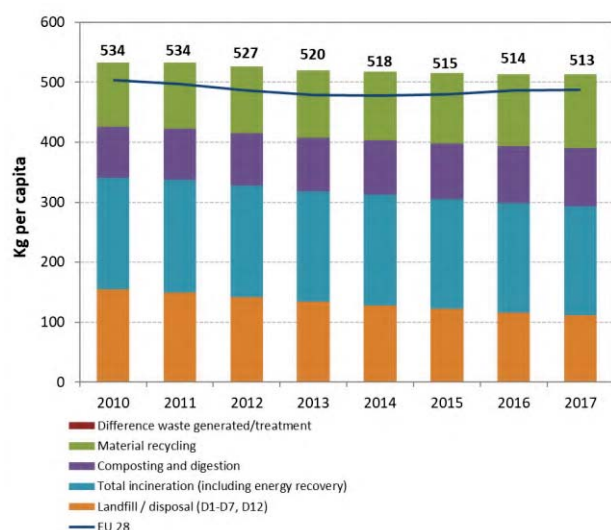


Figure 5 shows municipal waste by treatment in terms of kilos per person. It reveals that France is gradually reducing waste disposal and moving towards methods of treatment that are higher up in the waste hierarchy (recycling, composting). Only incineration and energy

¹⁶ See Article 11.2 of [Directive 2008/98/EC](#). This Directive was amended in 2018 by [Directive \(EU\) 2018/851](#), and more ambitious recycling targets were introduced for the period up to 2035.

¹⁷ Municipal waste is waste collected by or on behalf of municipal authorities, or directly by the private sector (business or private non-profit institutions), not on behalf of municipalities.

¹⁸ Eurostat, [Municipal waste and treatment, by type of treatment method](#).

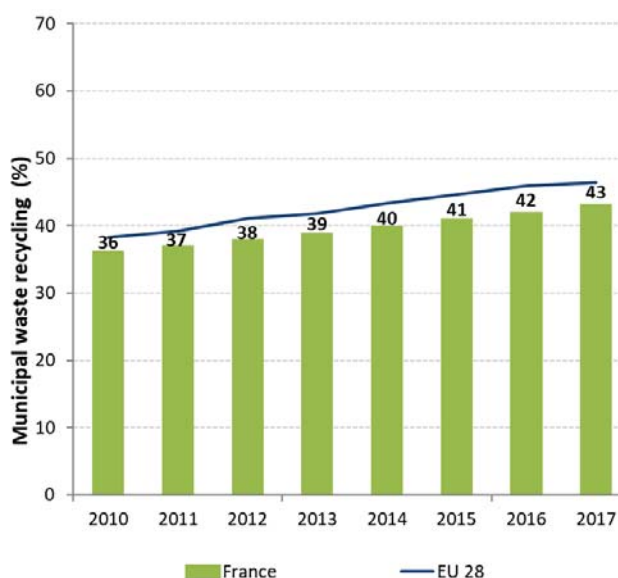
¹⁹ European Commission, [Municipal waste by waste operations](#).

recovery have remained constant in absolute terms (which means they have increased as percentages).

Figure 6 shows that recycling of municipal waste has risen steadily since 2010, reaching 43 % by 2017.

This progress in recent years puts France’s performance close to the EU average. With a recycling rate of 43 % in 2017 and an improvement of 13 % since 2012²⁰, France is not considered to be at risk of missing the European target of recycling half of all municipal waste (according to Eurostat, the European Commission’s statistics office, methodology)²¹. However, more efforts will be needed to meet recycling targets after 2020²². France relies on incineration, with 35 % of waste being subjected to energy recovery treatment. Similarly, landfill still accounts for 21 % of all municipal waste, a figure close to the EU average of around 24 % (2017).

Figure 6: Recycling rate of municipal waste, 2010-2017²³



Despite a number of innovative and far-reaching policies (such as those on EPR) there is still a need for other policies to drive the progress.

A 2016 report by the French Court of Auditors noted that separate collection is plateauing in France. It

²⁰ Commissariat Général au Développement Durable: ‘Indicateurs nationaux de la transition écologique vers un développement durable 2015-2020: premier état des lieux, Etudes et documents No 142, mars 2016, p. 17.

²¹ Member States may choose a method other than the one used by ESTAT (referred to in this report) to calculate their recycling rates and track compliance with the 2020 target of 50 % recycling of municipal waste.

²² [Directive \(EU\) 2018/851](#), [Directive \(EU\) 2018/852](#), [Directive \(EU\) 2018/850](#) and [Directive \(EU\) 2018/849](#) amend the previous waste legislation and set more ambitious recycling targets for the period up to 2035. These targets will be taken into consideration to assess progress with future environmental implementation Reports.

²³ European Commission, [Recycling rate of municipal waste](#).

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recommends that both waste producers and the authorities take steps to boost separate collection. This means that separation and treatment plants will need to be rationalised and modernised, enabling more to be done with fewer plants²⁴. This issue is particularly acute in the outermost regions.

In August 2015 France adopted the **Energy Transition for Green Growth Act**, which establishes a waste prevention target to cut household waste production by 10 % of 2010 levels by 2020. It features a number of measures designed to build momentum towards this target — including a definition of the legal concept of ‘planned obsolescence’, which becomes a crime; promotion of deposit and return schemes; the obligation for food retailers to donate unsold goods to charity so as to reduce food waste; and a ‘resource use hierarchy’ inspired by the waste hierarchy, to encourage the prevention of waste.

The Act also promotes recycling, establishing waste recovery targets for 2020-2025 (55 % and 65 % respectively of all non-hazardous non-inert waste), and extends separate collection to all organic waste before 2025. In view of action to promote separate collection, it also states that mechanical biological treatment (MBT) of waste is no longer relevant and excludes any new public financing for MBT installations.

Following up these considerations, in March 2017 ADEME published a guidance document²⁵ detailing its views on the future of installations to treat residual municipal waste. The document says existing plants should be converted to sorting separately collected waste, while pre-treatment installations for biodegradable waste should complement rather than replace separate collection. On the other hand, for incineration, treatment capacities should not increase and their energy efficiency should improve, partly through phasing out installations without energy recovery by 2025.

In addition, France has recently adopted a decree stating that firms must separate materials into paper, glass, plastic, metal and wood. The separate collection of bio-waste has been mandatory for big producers since 2012 and the Green Growth Act has extended it to all companies.

The separate collection of household packaging waste is extended progressively to cover every type of packaging waste to be put in a yellow bin, with the exception of glass collected separately. By 2022, all households will be covered by these new rules. A 3,6M€ national mass-

media campaign on the benefits of recycling was launched on 15 October 2018. The project is co-financed by 13 extended producer responsibility schemes, ADEME and the Ministry for Ecological Transition.

France also adopted a decree stating that landfill capacities should be reduced by 30 % of their 2010 levels by 2020, and that they should be halved by 2025. Incineration is to be reduced by a quarter by 2020 and halved by 2025²⁶.

The decree also stipulates that waste management plans must identify shared facilities for collecting and treating bio-waste from households, businesses and farms.

Although France has taken various measures under the Energy Transition Act to dispense with illegal dump sites (by establishing a network for collecting construction sector waste that imposes significant obligations on building product distributors), the country still has illegal dumps. As regards enforcement, inspections and legal proceedings have improved the traceability of construction waste.

It is becoming urgent to review and adopt regional waste management plans in the context of the regional administration reform, as required by the Waste Framework Directive. This should preferably take account of the revised Waste Framework Directive, including its more ambitious post-2020 recycling and landfill targets.

The national focus on EPR schemes to promote recycling in particular sectors continues. For instance, there is now an EPR scheme for leisure boats.

2019 priority actions

- Improve and extend separate collection of waste. Establish minimum service standards for separate collection (e.g. frequency of collection, types of containers, etc.) in municipalities, to ensure high recyclable waste capture rates. Use economic instruments, such as pay-as-you-throw.
- Urgently update and adopt regional waste management plans; possibly, take into account the requirements of the revised Waste Framework Directive.

²⁴ Les éco-organismes: un dispositif original à consolider (2016), a [report by the French Court of Auditors](#).

²⁵ ADEME, *Quel avenir pour le traitement des ordures ménagères résiduelles?*, March 2017.

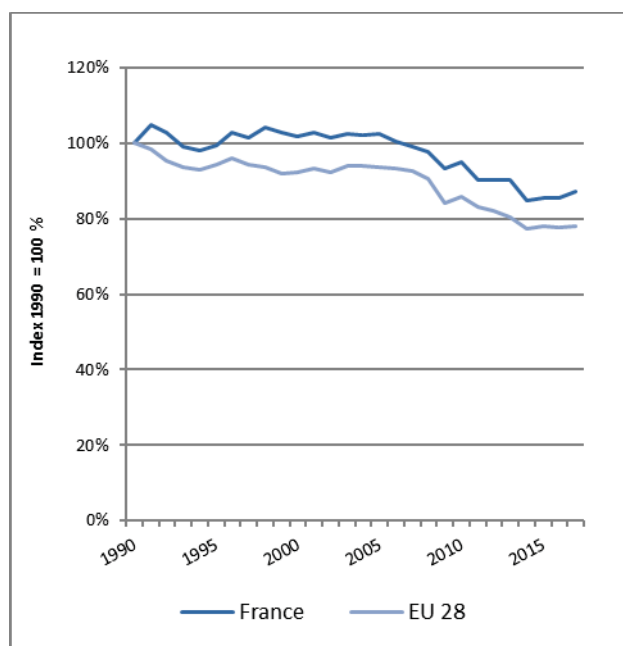
²⁶ [Décret n° 2016-811 du 17 juin 2016 relatif au plan régional de prévention et de gestion des déchets](#).

Climate change

The EU has committed to undertaking ambitious climate action internationally as well as in the EU, having ratified the Paris Climate Agreement on 5 October 2016. The EU targets are to reduce greenhouse gas (GHG) emissions by 20 % by 2020 and by at least 40 % by 2030, compared to 1990. As a long-term target, the EU aims to reduce its emissions by 80-95 % by 2050, as part of the efforts required by developed countries as a group. Adapting to the adverse effects of climate change is vital to alleviate its already visible effects and improve preparedness for and resilience to future impacts.

The EU emissions trading system (EU ETS) covers all large greenhouse gas emitters in the industry, power and aviation sectors in the EU. The EU ETS applies in all Member States and has a very high compliance rate. Each year, installations cover around 99 % of their emissions with the required number of allowances.

Figure 7: Change in total greenhouse gas emissions 1990-2017 (1990=100%)²⁷.



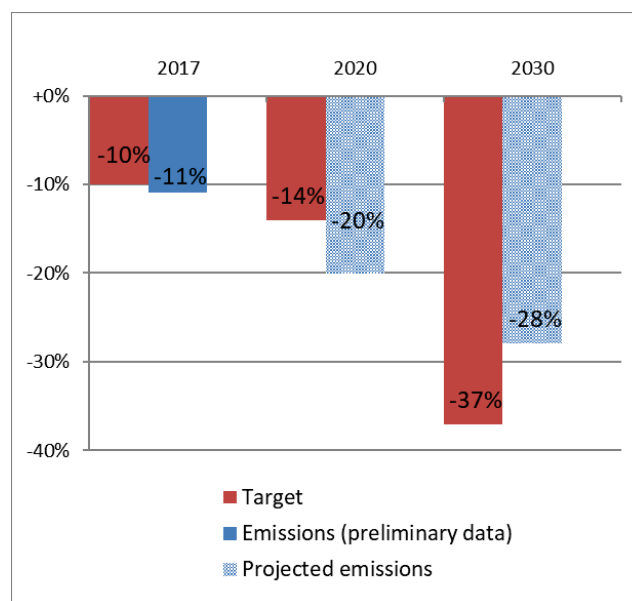
For emissions not covered by the EU ETS, Member States have binding national targets under the Effort Sharing legislation. France had lower emissions than its annual emission allocations (AEAs) in each of the years 2013-2016. According to preliminary data, emissions were slightly lower than the AEA in 2017. For 2020, France's

²⁷ Annual European Union greenhouse gas inventory 1990–2016 ([EEA greenhouse gas data viewer](#)). Proxy GHG emission estimates for 2017. Approximated EU greenhouse gas inventory 2017 (European Environment Agency). Member States national projections, reviewed by the European Environment Agency.

national target under the EU Effort Sharing Decision is to reduce emissions by 14 % compared to 2005. For 2030, France's national target under the Effort Sharing Regulation will be to reduce emissions by 37 % compared to 2005.

The Act on Energy Transition for Green Growth (loi relative à la transition énergétique pour la croissance verte) is in force and forms the legal basis for the Low Carbon Strategy and the Multiannual Energy Programme. In November 2018, the draft Multi-annual Energy Plan for 2024-2028 (2nd PPE) was adopted. It sets the main trajectory for investments in the field of energy involving public intervention in this period. France has developed a robust and well elaborated low carbon strategy, where the key element are carbon budgets covering all sectors. Sectoral GHG reduction targets are defined, as well as sectoral policies. The Climate Plan, adopted in July 2017, sets carbon neutrality as the long term objective, to be met by 2050.

Figure 8: Targets and emissions for France under the Effort Sharing Decision and Effort Sharing Regulation²⁸.

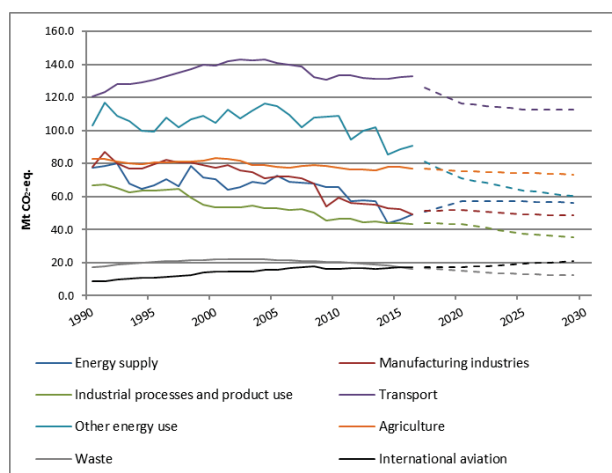


Transport represents almost a quarter of the EU's GHG emissions and is the main cause of air pollution in cities. Transport emissions in France increased by 1 % from 2013 to 2016.

The F-gas Regulation requires Member States to run training and certification programmes and rules for penalties and notify these measures to the Commission by 2017. France has notified both measures.

²⁸ Proxy GHG emission estimates for 2017. Approximated EU greenhouse gas inventory 2017 (European Environment Agency). Member States national projections, reviewed by the European Environment Agency.

Figure 9: Greenhouse gas emissions by sector (Mt. CO₂-eq.). Historical data 1990-2016. Projections 2017-2030²⁹.



The accounting of GHG emissions and removals from forests and agriculture is governed by the Kyoto Protocol. A preliminary accounting exercise for 2013-2016 shows net credits of, on average, -7.3 Mt CO₂-eq, which corresponds to 6.4% of the EU-28 accounted sink of -115.7 Mt CO₂-eq.

The EU Strategy on adaptation to climate change, adopted in 2013, aims to make Europe more climate-resilient, by promoting action by Member States, better-informed decision making, and promoting adaptation in key vulnerable sectors. By adopting a coherent approach and providing for improved coordination, it seeks to enhance the preparedness and capacity of all governance levels to respond to the impacts of climate change.

In France, the National Adaptation Strategy was adopted in 2006 and the National Adaptation Plan (PNACC) in 2011, covering 20 thematic areas: cross-cutting actions, health, water, biodiversity, natural hazards, agriculture, forests, fisheries and aquaculture, energy and industry, transport infrastructures, urban planning and the built environment, tourism, information, education and training, research, funding and insurance, coastlines, mountains, European and international actions, and governance. The integration of adaptation into sectorial policies is part of the NAP's specific actions and measures, the monitoring scheme looks at a qualitative assessment of the status of implementation of the 230 measures in the different sectors. In 2015 the final evaluation of the NAP concluded that around 80% of the actions and 75 % of the measures in the NAP have been achieved. The Plan Climat presented in July 2017 announced a revision of the NAP (2e PNACC) and a report

summarizing findings from a comprehensive national consultation process was published in early 2018.

The total revenues from the auctioning of emission allowances under the EU ETS over the years 2013-2017 were EUR 1 295 million. 100 % of the auctioning revenues have been spent on climate and energy purposes All auctioning revenues are earmarked for climate action, more specifically to building insulation.

2019 priority action

In this report, no priority actions have been included on climate action, as the Commission will first need to assess the draft national energy and climate plans which the Member States needed to send by end of 2018. These plans should increase the consistency between energy and climate policies and could therefore become a good example of how to link sector-specific policies on other interlinked themes such as agriculture-nature-water and transport-air-health.

²⁹ Annual European Union greenhouse gas inventory 1990–2016 ([EEA greenhouse gas data viewer](#)). Proxy GHG emission estimates for 2017 Approximated EU greenhouse gas inventory 2017 (European Environment Agency). Member States national projections, reviewed by the European Environment Agency.

2. Protecting, conserving and enhancing natural capital

Nature and biodiversity

The EU biodiversity strategy aims to halt the loss of biodiversity in the EU by 2020. It requires full implementation of the Birds and Habitats Directives to achieve favourable conservation status of protected species and habitats. It also requires that the agricultural and forest sectors help to maintain and improve biodiversity.

Biodiversity strategy

The national strategy for biodiversity is France's commitment under the **Convention on Biological Diversity**. The 2011-2020 strategy is designed to boost the commitment of those involved in all sectors of activity, at all regional levels, both in mainland France and overseas. It comprises 20 objectives designed to preserve, improve, promote and restore biodiversity, and to ensure sustainable and fair use of natural resources.



The French legislative and regulatory framework for the protection of biodiversity encompasses the Natura 2000 network at European level and various national laws, ranging from the **Law on nature protection**, adopted in 1976, to the **Law on regaining biodiversity, nature and landscape**, adopted in 2016. France's recognition that these provisions cannot prevent national biodiversity from declining rapidly (as shown by several recent studies) led to the adoption of a new biodiversity plan in July 2018. This should speed up the implementation of priority measures to achieve the objectives set by the national strategy for biodiversity, ongoing until 2020.

Setting up a coherent network of Natura 2000 sites

On the basis of this latest assessment, the terrestrial Natura 2000 network in France is now considered to be close to full completion. The marine network was subject to an ambitious wave of designation undertaken in December 2017 beyond the territorial sea (the marine metropolitan surface covered by Natura 2000 increased from 41 683 km² to 123 540 km²).

France has 1773 Natura 2000 sites, of which 1374 fall under the Habitats Directive and 399 under the Birds Directive. By May 2018, 12.9 % of France's land area was covered by Natura 2000 (EU average: 18.2 %), with Birds Directive special protection areas covering about 8 % (EU average: 12.4%) and Habitats Directive sites of Community importance covering about 9% (EU average: 13.9 %).

Designating Natura 2000 sites and setting conservation objectives and measures

France has made substantial progress since the 2017 EIR. As regards SCI designation, France has expanded its marine area by 173%. As regards the designation of special areas of conservation, only four sites of Community interest remain to be designated, while there are management plans in place for 91 % of sites.

Although a range of species and habitats have stabilised their overall conservation status – some have even improved it – many are still declining and endangered. Coastal habitats, wetlands, water-related ecosystems and agriculture-related habitats are the main ecosystems under threat. The key threats to biodiversity are:

- habitat loss and degradation (especially as a result of urban sprawl, increasingly intensive farming, land abandonment, and intensively managed forests),
- pollution,
- over-exploitation (especially fisheries),
- invasive alien species, and
- climate change.

The lack of integration between nature policy and other policy areas, especially in the farming sector, but also, though to a lesser extent, in urbanisation, transport, energy and forestry, makes tackling the issue hard, particularly in a context of global warming and the spread of invasive alien species.

Beyond its legal obligations under the nature directives, France has launched a range of initiatives in line with the **EU nature and biodiversity agenda**. These include 'Trame

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verte et bleue’ (‘green and blue trail’), ‘séquence ‘éviter, réduire, compenser’ ‘ (a kind of “No Net Loss exercise”), and ‘Grands Prix Natura 2000’. For **Natura 2000**, it has also established a variety of tools and material designed to streamline the approach on the national territory. These include:

- sector-by-sector assessment,
- methodologies for mapping habitats and species at site level,
- a national guidance document setting out the Natura 2000 management plans,
- special Natura 2000 training sessions, and
- day-long meetings for the sharing of technical information (a national equivalent to the Natura 2000 biogeographical process).



As regards Natura 2000, the main challenges facing France are how to:

- implement conservation measures effectively, with appropriate financing from both national and EU funds;
- integrate nature conservation policy better with other policy areas, especially farming and fisheries. The reorganisation of the French regions gives a leading role to the implementation of biodiversity protection and new responsibilities in managing EU regional funds;

A second challenge is to finalise the evaluation of the nature conservation model to measure to what extent it contributed to the Natura 2000 results, especially at site level and to create a tool to link nature conservation trends and the measures implemented .

One of the key aspects of the recently adopted biodiversity plan is protecting and restoring the natural environment. The following measures should boost the enforcement of EU law on the natural environment:

- establishing or extending 20 protected areas,
- establishing a new national park between the regions of Champagne-Ardenne and Burgundy,

- a decree to protect natural habitats that goes beyond existing laws on species protection and Natura 2000,
- reintroducing two bears into the Pyrenees-Atlantic region,
- introducing multi-species NAPs for the most endangered species by 2020,
- a NAP to protect whales, introduced in 2018,
- action to rationalise the management of hunted species in accordance with their conservation status, and
- action to better integrate biodiversity into forest management documents.

Past experience shows - through complaints and infringements - that the conservation status of some protected species of birds has been jeopardised by hunting. The following aspects need monitoring and/or further action:

- the continuation of traditional hunting practices using snares, nets, traps or lime;
- illegal hunting;
- specifying a limited hunting period for species protected under the Birds Directive;
- the hunting of species in decline.

Increasingly intensive farming significantly harms a range of habitats and species, as shown by the infringement case concerning hamsters, an umbrella species for which France needs to continue its restoration efforts. Recently the Ministry of Agriculture has launched an agro-ecology project at both national and regional level, which brings new opportunities. The biodiversity plan includes:

- a target of 15 % of the farming area under organic farming by 2022,
- reducing pesticide use during the transition period, including phasing out all uses of glyphosate within 5 years, and
- more effective protection for pollinators (a ban on active substances similar to neonicotinoids).

The rich and unique fauna and flora of France’s Outermost regions (ORs) and Overseas countries and territories (OCTs) are not covered by Natura 2000. But the ORs have large protected areas for marine and terrestrial ecosystems. Moreover, most of these regions have scientific institutes focused on biodiversity. The European Parliament has adopted pilot projects on inventories of species and habitats and on mapping and assessing ecosystem services. These cover all the ORs and OCTs. The BEST initiative³⁰ promotes the conservation of biodiversity and the sustainable use of ecosystem

³⁰ European Commission, [Voluntary Scheme for Biodiversity and Ecosystem services in Territories of European Overseas](#).

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services in the ORs and the OCTs through small projects designed to unlock local potential. France contributes to a large extent to the Best initiative including on financial aspects.

Progress in maintaining or restoring favourable conservation status of species and habitats

The 2017 EIR referred to the latest report on the conservation status of habitats and species; new data will be available for the next EIR.

Improvements in the status of species and habitats have recently been reported in France. However, hot spots remain. More than 50% of bogs, grasslands, dunes and coastal habitats, and over half of molluscs and fish species have an unfavourable (i.e. bad) status. Short-term breeding trends remain negative for a quarter of bird species.

2019 priority actions

- Assess the degree of implementation of the Natura 2000 management plans and the effectiveness of the Natura 2000 measures in helping restore or maintain habitats and species in Natura 2000 sites, thereby ensuring favourable conservation status.
- Continue to support a sustainable partnership for biodiversity protection, sustainable development and climate change adaptation and mitigation measures in the ORs and the OCTs.
- Protect habitats and species affected by or dependent on agricultural management.

Maintaining and restoring ecosystems and their services

The EU biodiversity strategy aims to maintain and restore ecosystems and their services by including green infrastructure in spatial planning and restoring at least 15 % of degraded ecosystems by 2020. The EU green infrastructure strategy promotes the incorporation of green infrastructure into related plans and programmes.

The EU has provided guidance on the further deployment of green and blue infrastructure in France³¹ and a country page on the Biodiversity Information System for Europe (BISE)³². This information will also contribute to the final evaluation of the EU Biodiversity Strategy to 2020.

In France, green infrastructure is implemented in spatial planning through the 'green and blue trail'³³. The 2016

Biodiversity Law called on French regions to develop regional governance on biodiversity, including measures for the 'green and blue trail'. Water management policy under the Grenelle II law also includes green infrastructure aspects: restoration zones (adaptation of infrastructure, restoration of wetlands and natural connectivity of rivers) and sustainable land use (purchase of wetlands to ensure sustainable management).

The policy of green infrastructure is also implemented through several (LIFE) projects. Regional nature parks (parcs naturels régionaux, PNR) have been established throughout France to protect rural areas with valuable landscapes, natural areas and cultural heritage. Brest is a participant in the Horizon 2020 project 'Green Cities for Climate and Water Resilience, Sustainable Economic Growth, Healthy Citizens and Environments' (GrowGreen)³⁴. This project is designed to improve climate and water resilience and social, environmental and economic performance in cities by deploying nature-based solutions to problems. Similarly, Cannes is a participant in another Horizon 2020 project, 'Urban Nature Labs' (UNaLab)³⁵, designed to make cities more resilient to climate change and water-related challenges. The approach relies on ecological water management in urban areas, accompanied by greening measures and innovative and inclusive urban design.

Estimating natural capital

The EU biodiversity strategy calls on Member States to map and assess the state of ecosystems and their services³⁶ in their national territories by 2014, assess the economic value of such services and integrate these values into accounting and reporting systems at EU and national level by 2020.

France is continuing its national ecosystem assessment project EFES (Évaluation Française des Écosystèmes et des Services Écosystémiques). A report summarising the assessment is expected in 2019.

Since January 2016, France has made limited progress with implementing Mapping and Assessment of Ecosystems and their Services MAES³⁷ (Figure 10), mainly because the country is already one of the best performers in the EU.

³¹ European Commission, The [recommendations of the green infrastructure strategy review report](#) and the [EU Guidance on a strategic framework for further supporting the deployment of EU-level green and blue infrastructure](#).

³² [Biodiversity Information System for Europe](#).

³³ [The French Agency for Biodiversity](#).

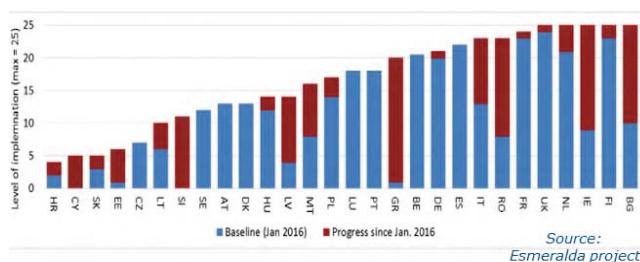
³⁴ EU project, [Growgreen](#).

³⁵ Horizon 2020 project, ['Urban Nature Labs'](#).

³⁶ Ecosystem services are benefits provided by nature such as food, clean water and pollination on which human society depends.

³⁷ The [ESMERALDA project](#) is based on 27 implementation questions and updated every six months.

Figure 10: Implementation of MAES (September 2018)



Business and biodiversity platforms, networks and communities of practice play a key role in promoting and facilitating natural capital assessments (NCAs) among businesses and financial service providers. An example is the Natural Capital Coalition’s Natural Capital Protocol³⁸. NCAs help private businesses understand and value both their impact and the degree of their dependency on nature, thereby contributing to the EU biodiversity strategy. Platforms of this nature have been set up at EU level³⁹ and in a number of EU countries, though not all. France has some good examples.

‘Entreprises pour l’environnement’ (EpE)⁴⁰ brings together 40 large international and French companies from different sectors which are seeking to integrate environmental considerations into their corporate strategies. The ‘Plateforme Entreprises et Biodiversité’ (Orée)⁴¹ brings together public and private stakeholders in Paris to share best environmental practices and key information on biodiversity protection.

Invasive alien species

Under the EU biodiversity strategy, the following are to be achieved by 2020:

- (i) invasive alien species identified;
- (ii) priority species controlled or eradicated; and
- (iii) pathways managed to prevent new invasive species from disrupting European biodiversity.

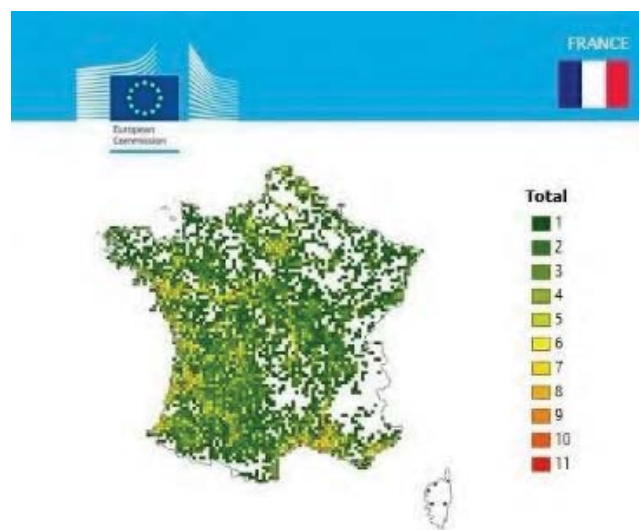
This is supported by the Invasive Alien Species (IAS) Regulation which entered into force on 1 January 2015.

The report on the baseline distribution (Figure 11), for which France reviewed its country and grid-level data, shows that 25 of the 37 species on the first EU list have already been observed in the environment in France; 24 of these are established. The aquatic environment is particularly strongly affected, with 16 established species. The data show how two invasions which started in France

³⁸ Natural Capital Coalition, [Natural Capital Protocol](#).
³⁹ Business and Biodiversity, [The European Business and Biodiversity Campaign](#) aims to promote the business case for biodiversity in the EU Member States through workshops, seminars and a cross-media communication strategy.
⁴⁰ [France, Entreprises pour l’environnement \(EpE\)](#).
⁴¹ [France, Plateforme Entreprises et Biodiversité \(Orée\)](#).

are now spreading into other EU countries: eastern baccharis (*Baccharis halimifolia*) and Asian hornet (*Vespa velutina*). At the same time, the country is under high invasion pressure of raccoons (*Procyon lotor*) from Germany.

Figure 11: Number of IAS of EU concern, based on available georeferenced information for France⁴²



Between the entry into force of the EU list and 18 May 2018, France submitted one early detection notification for the muntjac deer (*Muntiacus reevesi*), as required under Article 16(2) of the Invasive Alien Species (IAS) Regulation. Eradication measures have been established, and hunters have been informed.

The baseline distribution suggests that Pallas’ squirrel (*Callosciurus erythraeus*) is still at an early stage of invasion. France is one of the few EU countries with a local population of this species. It has thus been advised to attempt to eradicate the species.

France has notified the Commission of the French authorities responsible for implementing the IAS Regulation, as required by Article 24(2) of the IAS Regulation.

It has communicated to the Commission the national legal provisions on penalties for infringements, as required by Article 30(4) of the IAS Regulation, and has thus fulfilled its notification obligations.

France has not, however, notified any lists of invasive alien species of concern to Martinique, Mayotte, Guadeloupe, French Guiana, Réunion and Saint Martin, as required under Article 6(4) of the IAS Regulation.

⁴² Tsiamis K; Gervasini E; Deriu I; D’amico F; Nunes A; Addamo A; De Jesus Cardoso A. [Baseline Distribution of Invasive Alien Species of Union concern](#). Ispra (Italy): Publications Office of the European Union; 2017, EUR 28596 EN, doi:10.2760/772692.

2019 priority action

- Notify the Commission of lists of invasive alien species of concern to Martinique, Mayotte, Guadeloupe, French Guiana, Réunion and Saint Martin.

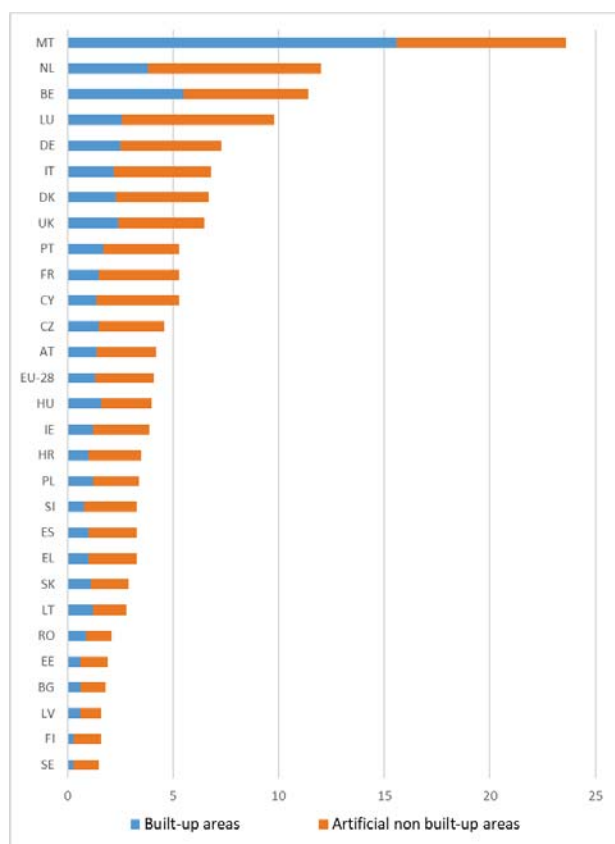
Soil protection

The EU soil thematic strategy underlines the need to ensure a sustainable use of soils. This entails preventing further soil degradation and preserving its functions, as well as restoring degraded soils. The 2011 Roadmap to a Resource Efficient Europe states that by 2020, EU policies must take into account their direct and indirect impact on land use.

Soil, a finite and extremely fragile resource, is becoming increasingly degraded in the EU.

France set up a scientific interest group on soil (GIS sol) 17 years ago. This group manages a standardised soil information system that provides information on the state of the soil in France. Although the group does not concern itself with contaminated sites, information on such sites is available from another national network.

Figure 12: Proportion of artificial land cover, 2015 ⁴³



⁴³ Eurostat, [Land covered by artificial surfaces by NUTS 2 regions](#).

The percentage of artificial land cover⁴⁴ in France (Figure 12) can be seen as a measure of the relative pressure on nature and biodiversity and of the environmental pressure on people living in urbanised areas. A similar measure is population density. When both are high, we would expect it to be challenging to protect natural capital and ensure people’s well-being. This means that implementing EU policy and law in this area is a priority.

At 5.3 %, France ranks above the EU average for artificial land cover, the EU-28 average being 4.1 %. The population density is 105.5/km², below the EU average of 118⁴⁵.

In Guadeloupe and Martinique, the historical chlordecone contamination is still a major issue for agriculture, fisheries and aquaculture activities and for human health.

Contamination can severely reduce soil quality and threaten human health or the environment. A recent report of the European Commission⁴⁶ estimated that potentially polluting activities have taken or are still taking place on approximately 2.8 million sites in the EU. At EU level, 650 000 of these sites have been registered in national or regional inventories. 65 500 contaminated sites already have been remediated. France has registered 6 478 sites where potentially polluting activities have taken or are taking place, and already has remediated or applied aftercare measures on 3 054 sites.

Soil erosion by water is a natural process, which can be aggravated by climate change and human activities such as inappropriate farming practices, deforestation, forest fires or construction work. High levels of soil erosion can reduce productivity in farming. They can also adversely affect biodiversity and ecosystem service across boundaries and harm rivers and lakes (more sediment, transport of contaminants). According to the RUSLE2015 model⁴⁷, France loses 2.25 tonnes of soil by water per hectare every year (t ha^{-a} yr^{-y}), compared with the European mean of 2.46 t ha^{-a} yr^{-y}; in other words, France has a medium level of soil erosion. It is important to note that these figures are the output of a model, not values

⁴⁴ Artificial land cover is defined as the total of roofed built-up areas (including buildings and greenhouses), artificial non-built-up areas (including sealed area features, such as yards, farmyards, cemeteries, car parking areas, etc., and linear features, such as streets, roads, railways, runways, bridges) and other artificial areas (including bridges and viaducts, mobile homes, solar panels, power plants, electrical substations, pipelines, water sewage plants, and open dump sites).

⁴⁵ Eurostat, [Population density by NUTS 3 region](#).

⁴⁶ Ana Paya Perez, Natalia Rodriguez Eugenio (2018), Status of local soil contamination in Europe: Revision of the indicator “Progress in the management Contaminated Sites in Europe”.

⁴⁷ Panagos, P., Borrelli, P., Poesen, J., Ballabio, C., Lugato, E., Meusburger, K., Montanarella, L., Alewell, C., The new assessment of soil loss by water erosion in Europe, (2015) Environmental Science and Policy, 54, pp. 438-447.

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measured in the field. The actual soil loss rate can vary considerably within a given country, depending on local conditions.

Organic matter in soil plays an important role in the carbon cycle and in climate change. Soils are the world's second largest carbon sink after the oceans. France has an average concentration of organic carbon in soil of 26.2 g/kg in the first 20 cm of topsoil (across all land cover types), compared with a European mean of 47 g/kg.

Marine protection

EU coastal and marine policy and legislation require that by 2020 the impact of pressures on marine waters be reduced to achieve or maintain good environmental status (GES) and ensure that coastal zones are managed sustainably.

The Marine Strategy Framework Directive (MSFD)⁴⁸ aims to achieve good environmental status of the EU's marine waters by 2020. To that end, Member States must develop a marine strategy for their marine waters, and cooperate with the EU countries that share the same marine (sub)region.

For France, the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention) and the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) play an important contribution to achieving good environmental status as required by the Marine Strategy Framework. These marine strategies break down into a number of steps to be developed and implemented over six-year periods. The latest step required Member States to set up a programme of measures and notify it to the Commission by 31 March 2016. The Commission assessed whether the measures taken by France were sufficient to achieve good environmental status⁴⁹.

France's measures are consistent with its good environmental status and target definitions, and cover almost all relevant pressures in its sub regions. Good environmental status and relevant pressures are addressed through a combination of measures that are either direct (e.g. technical measures targeting pressures) or indirect (e.g. cross-cutting research measures designed to increase knowledge, or communication measures). To take the example of non-indigenous species, the measures concerned address the risk of introduction, the spreading of such species, and the impact they have, by focusing on essential pathways such as aquaculture and ballast water, and on fishing activities.

Biodiversity aspects are addressed mostly through a mix of spatial protection measures and through specific measures targeting certain habitats and species groups. Measures relating to birds, for example, address anthropogenic pressures, such as incidental by-catch, and provide for spatial protection measures.

France decided to implement the measures before the deadline of 2021. Some measures are not fully implemented but the work is ongoing. Overall, the French programme of measures meets the requirements of the Marine Framework Directive MSFD in part only.

While the MSFD does not cover French overseas territories, France adopted in 2016 an inter-ministerial instruction to organise surveillance and better manage all of its seas, including in the overseas territories, with the aim to protect the marine environment.

2019 priority actions

- Provide more information about its measures to achieve GES, establish more measures that have a direct impact on pressures and quantify the expected reduction of pressure as a result.
- Ensure reporting of the different elements under the Marine Strategy Framework Directive by the set deadline.

⁴⁸ European Union, [Marine Strategy Framework Directive 2008/56/EC](#)

⁴⁹ [COM\(2018\) 562](#) and [SWD\(2018\) 393](#).

3. Ensuring citizens' health and quality of life

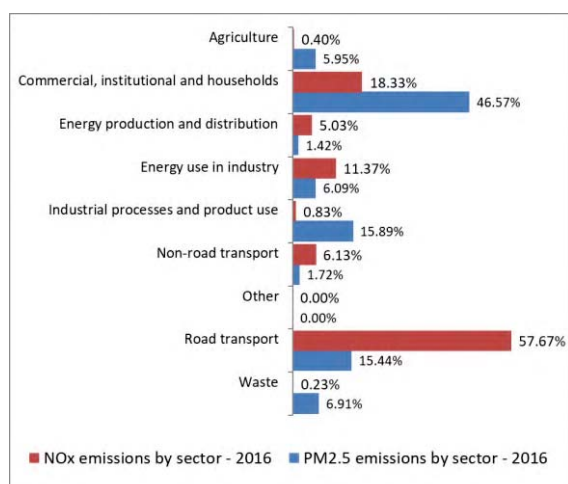
Air quality

EU clean air policy and legislation require the significant improvement of air quality in the EU, moving the EU closer to the quality recommended by the World Health Organisation. Air pollution and its impacts on human health, ecosystems and biodiversity should be further reduced with the long-term aim of not exceeding critical loads and levels. This requires strengthening efforts to reach full compliance with EU air quality legislation and defining strategic targets and actions beyond 2020.

The EU has developed a comprehensive body of air quality legislation⁵⁰, which establishes health-based standards and objectives for a number of air pollutants.

Emissions of several air pollutants have fallen in France⁵¹. The reductions between 1990 and 2014 mentioned in the previous EIR continued over 2014-2016, with sulphur oxide (SO_x) emissions falling by 19.09 %, nitrogen oxide (NO_x) emissions by 6.53 %, and emissions of volatile organic compounds (NMVOCs) by 3.12 %. Meanwhile, emissions of fine particulate matter PM_{2.5} rose by 1.73 % and emissions of ammonia (NH₃) by 1.39 % between 2014 and 2016 (see also Figure 13 on total PM_{2.5} and NO_x emissions by sector).

Figure 13: PM_{2.5} and NO_x emissions by sector in France⁵²



Despite these reductions, further efforts are needed to reach the commitments to cut emissions from 2005 levels that are set out in the new National Emissions

Ceilings Directive⁵³ for 2020-2029 and for any year from 2030.

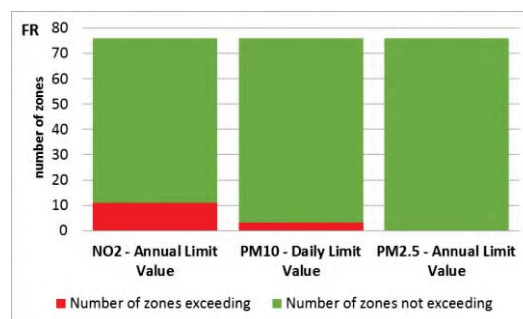
To this end, France has adopted in May 2017 a National Plan for Air Pollution Emission Reduction⁵⁴.

At the same time, air quality in France continues to give cause for severe concern. For the year 2015, the European Environment Agency estimated that about 35 800 premature deaths were attributable to concentrations of fine particulate matter⁵⁵, 1 800 to concentrations of ozone⁵⁶, and 9 700 to concentrations of nitrogen dioxide^{57 58}.

For 2017, exceedances related to the annual limit value for nitrogen dioxide (NO₂) were registered in 11 (out of 76) air quality zones (including Paris, Marseille and Lyon). Exceedances have also been registered related to particulate matter (PM₁₀) in 3 (out of 76) air quality zones (including Paris, Martinique, Guadeloupe). Finally, target values for concentrations of ozone and benzo(a)pyrene were also exceeded.

See also Figure 14 for the numbers of air quality zones that exceed NO₂, PM_{2.5}, and PM₁₀ levels.

Figure 14: Air quality zones exceeding EU air quality standards in 2017⁵⁹



According to a special report by the European Court of Auditors⁶⁰, EU action to protect human health from air

⁵³ Directive 2016/2284/EU.

⁵⁴ France, National Plan for Air Pollution Emission Reduction.

⁵⁵ Particulate matter (PM) is a mixture of aerosol particles (solid and liquid) covering a wide range of sizes and chemical compositions. PM₁₀ (PM_{2.5}) refers to particles with a diameter of 10 (2.5) micrometres or less. PM is emitted from many human sources, including combustion.

⁵⁶ Low level ozone is produced by photochemical action.

⁵⁷ NO_x is emitted during fuel combustion e.g. from industrial facilities and the road transport sector. NO_x is a group of gases comprising nitrogen monoxide (NO) and nitrogen dioxide (NO₂).

⁵⁸ EEA, Air Quality in Europe – 2018 Report, p.64. Please see details in this report as regards the underpinning methodology.

⁵⁹ EEA, EIONET Central Data Repository. Data reflects the reporting situation as of 26 November 2018.

⁶⁰ European Court of Auditors, Special report no 23/2018, Air pollution: Our health still insufficiently protected, p.41.

⁵⁰ European Commission, 2016. Air Quality Standards.

⁵¹ See EIONET Central Data Repository and Air pollutant emissions data viewer (NEC Directive).

⁵² 2016 NECD data submitted by Member State to the EEA.

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pollution has not had the expected impact. Air pollution may be underestimated in some instances because it may not always be monitored in the right places. EU countries are required to report both real-time and validated air quality data to the Commission⁶¹.

The European Commission is following up persistent breaches of air quality requirements (for PM₁₀ and NO₂), which have severe negative effects on health and the environment. This is being done through infringement procedures against all the countries concerned, including France. The Commission has decided to refer France to the European Court of Justice for exceeding NO₂ limit values (see COM(2018) 330). The aim is to take appropriate measures to ensure that all regions meet the relevant standards.

2019 priority actions

- Take action to reduce the main sources of emissions, in the context of the national air pollution control programme (NAPCP).
- Cut nitrogen oxide (NO_x) emissions and concentrations of nitrogen dioxide (NO₂) faster. This will require, for example, further reductions in transport emissions, especially in urban areas (and may require proportionate and targeted urban vehicle access restrictions) and/or fiscal incentives (alignment and equal treatment of transport fuels).
- Cut emissions and concentration of particulate matter (PM_{2.5} and PM₁₀); this will require, for example, further reductions in emissions from energy production and heat generation using solid fuels, or the promotion of clean and efficient district heating.

Industrial emissions

The main objectives of EU policy on industrial emissions are to:

- protect air, water and soil;
- prevent and manage waste;
- improve energy and resource efficiency; and
- clean up contaminated sites.

To achieve this, the EU takes an integrated approach to the prevention and control of routine and accidental industrial emissions. The cornerstone of the policy is the Industrial Emissions Directive⁶² (IED).

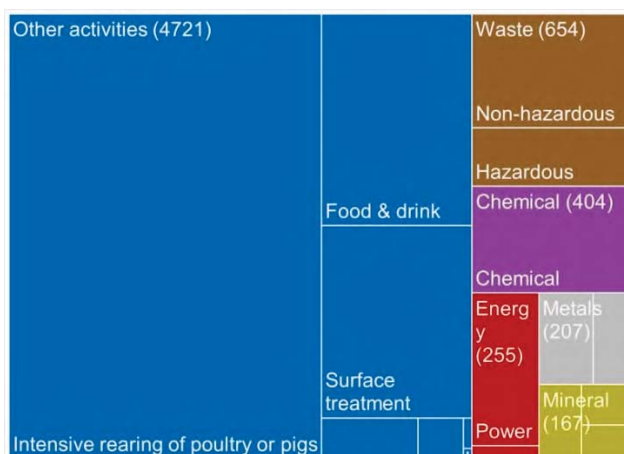
⁶¹ Article 5 of [Commission Implementing Decision 2011/850/EU](#) of 12 December 2011 laying down rules for [Directives 2004/107/EC](#) and [2008/50/EC](#) as regards the reciprocal exchange of information and reporting on ambient air quality (OJ L 335, 17.12.2011, p. 86) requires Member States to provide up-to-date data.

⁶² [Directive 2010/75/EU](#) covers industrial activities carried out above certain thresholds. It covers energy industry, metal production, mineral and chemical industry and waste management, as well as a wide range

The below overview of industrial activities regulated by the IED is based on the 'industrial emissions policy country profiles' project⁶³.

Around 6 400 industrial installations are required to have a permit based on the IED industrial sectors in France with the most IED installations. In 2015, these were: intensive rearing of poultry or pigs (50 % of total), non-hazardous waste management (7 %), and the chemicals sector (6 %).

Figure 15: Number of IED industrial installations by sector, France (2015)⁶⁴



The energy sector was identified as the industrial sector responsible for the largest environmental burden as regards emissions to air. It produces the largest share of emissions of heavy metals and other pollutants: sulphur oxides (SO_x), nitrogen oxides (NO_x) and polychlorinated dibenzodioxins and polychlorinated dibenzofurans (PCDD/F).

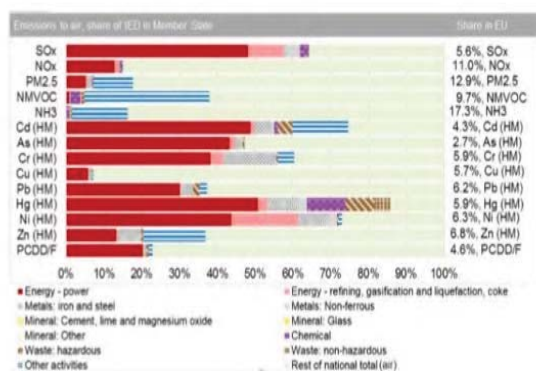
The sector labelled 'other activities' (mostly intensive rearing of poultry or pigs, surface treatment and pulp, paper and wood products) is mainly responsible for emissions to air of particulate matter (PM_{2.5}), non-methane volatile organic compounds (NMVOCs), ammonia (NH₃), cadmium (Cd) and zinc (Zn). The metals sector also contributes significantly to heavy metals and energy-refining, gasification and liquefaction and coke for SO_x and nickel (Ni). The breakdown is shown in the following graph.

of industrial and agricultural sectors (e.g. intensive rearing of pig and poultry, pulp and paper production, painting and cleaning).

⁶³ [European Commission, Industrial emissions policy country profile – France.](#)

⁶⁴ [European Commission, Industrial emissions policy country profile – France.](#)

Figure 16: Emissions to air from IED sectors and all other national air emissions, France (2015)



As regards emissions into water, the non-ferrous metals industry, iron and steel, waste management, chemicals and 'other activities' were identified as significant polluters. The waste management, chemical and metals sectors generate mainly hazardous and non-hazardous waste. The enforcement approach under the IED confers on citizens a strong right of access to relevant information and to participate in the permitting process. This enables members of the public, and NGOs, to ensure that permits are granted in the appropriate manner and that the conditions governing them are respected.

By sharing information among EU countries, industrial associations, NGOs and the Commission, the best available techniques (BAT), reference documents (the so-called BREFs) and BAT conclusions ensure good cooperation with stakeholders and enable IED to be better implemented.

The Commission relies on and welcomes the efforts of national competent authorities to implement the legally binding BAT conclusions and associated BAT emissions levels in environmental permits, resulting in substantial ongoing pollution reductions.

Implementing the recently adopted BAT associated emission levels for large combustion plants will, for example — on average and depending on the situation of individual plants — reduce emissions of sulphur dioxide by between 25 % and 81 %, nitrogen oxide by between 8 % and 56 %, dust by 31 % to 78 % and mercury by 19 % to 71 % at EU level.

The Commission has in particular welcomed the good cooperation with the administration to efficiently solve issues arising from late implementation of the BAT conclusion banning the use of the mercury cell technique by chlor alkali plants by 11 December 2017.

However, pollution events are still a reality. Examples include water pollution through the disposal at sea of bauxite residues in alumina production in Gardanne, and air pollution at the Lacq industrial site.

2019 priority actions

- Review permits to ensure they comply with newly adopted BAT conclusions.
- Step up checks and enforcement to ensure compliance with BAT conclusions.

Noise

The Environmental Noise Directive⁶⁵ provides for a common approach to avoiding, preventing and reducing the harmful effects of exposure to environmental noise.

Excessive noise from aircrafts, railways and roads is one of the main causes of health problems in the EU⁶⁶.

On the basis of a limited set of data⁶⁷, environmental noise in France is estimated to cause at least 900 premature deaths and 5 900 hospital admissions annually. Moreover, about 1 900 000 people suffer from disturbed sleep. Implementation of the Environmental Noise Directive has been significantly delayed. The most recent information analysed indicates that the only obligations met under the Directive are those relating to noise mapping. There are still no action plans for a majority of agglomerations (extended built-up areas), some major roads, railways and airports.

2019 priority action

- Speed up completion of the missing action plans.

Water quality and management

EU legislation and policy requires that the impact of pressures on transitional, coastal and fresh waters (including surface and ground waters) be significantly reduced. Achieving, maintaining or enhancing a good status of water bodies as defined by the Water Framework Directive will ensure that EU citizens benefit from good quality and safe drinking and bathing water. It will further ensure that the nutrient cycle (nitrogen and phosphorus) is managed in a more sustainable and resource-efficient way.

The existing EU water legislation⁶⁸ puts in place a protective framework to ensure high standards for all

⁶⁵ [Directive 2002/49/EC](#).

⁶⁶ WHO/JRC, 2011, Burden of disease from environmental noise, Fritschi, L., Brown, A.L., Kim, R., Schwela, D., Kephelopoulous, S. (eds), [World Health Organisation, Regional Office for Europe](#), Copenhagen, Denmark.

⁶⁷ European Environment Agency, [Noise Fact Sheets 2017](#).

⁶⁸ This includes the [Bathing Waters Directive \(2006/7/EC\)](#), the [Urban Waste Water Treatment Directive \(91/271/EEC\)](#) (on discharges of municipal and some industrial wastewaters), the [Drinking Water Directive \(98/83/EC\)](#) (on potable water quality), the [Water Framework Directive \(2000/60/EC\)](#) (on water resources management), the [Nitrates](#)

water bodies in the EU and addresses specific pollution sources (for example, from agriculture, urban areas and industrial activities). It also requires that the projected impacts of climate change are integrated into the corresponding planning instruments e.g. Flood Risk Management Plans and River Basin Management Plans, including Programmes of Measures which include the actions that Member States plan to take in order to achieve the environmental objectives.

Water Framework Directive

France has adopted and reported the second generation of River Basin Management Plans under the Water Framework Directive and the European Commission has assessed the status and the development since the adoption of the first River Basin Management Plans, including suggested actions in the EIR report 2017.

The **most significant pressures on surface water bodies** in France is from diffuse agricultural sources followed by pressures arising from physical alteration of channel/bed/riparian area/shore and pressures from urban waste water. For **groundwater bodies the most significant pressure** is diffuse sources and water abstraction.

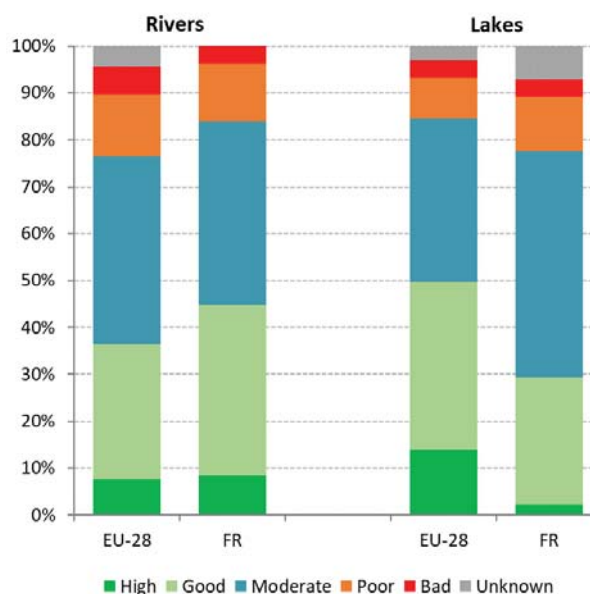
Altered habitats due to morphological changes was the **most significant impact** on surface water bodies (40% of surface water bodies) followed by chemical pollution (37%), nutrient pollution (33%), organic pollution (28%) and altered habitats due to hydrological changes (25%). The most significant impact on groundwater bodies was from chemical pollution (28% of groundwater bodies) and nutrient pollution (24%).

The **ecological status/potential** is illustrated in figure 17. The proportion of water bodies in less than good status has increased for many water categories in many River Basin Districts which might be related to the fact that there are less water bodies with unknown status in all categories. There were small increases in the numbers of surveillance sites from the first to the second River Basin Management Plans in coastal, lake, river and transitional waters. Overall, the number of operational monitoring sites decreased by about 72% between the two River Basin management plans in coastal waters, rivers and transitional waters and there was a small increase in operational sites in lakes.

Between the first and second River Basin Management Plans there has been increase in proportion of surface water bodies with **good chemical status** from 43% up to 63%. The proportion of surface water bodies that fail to achieve good chemical status decreased from 23% to 16%. The proportion of surface water bodies with an

unknown chemical status also decreased from 34% down to 21%.

Figure 17: Ecological status or potential of surface water bodies in France⁶⁹



Although the number of groundwater bodies failing poor qualitative status increased, the overall area of groundwater bodies failing good status decreased significantly by one third from 16% of the total groundwater body area in the first to 11.2% in the second River Basin Management Plans.

Most significant pressures are identified in the River Basin Management Plans and addressed by measures (Key type of measures) and the most significant progress seems to be in the identification of many more significant pressures and planning appropriate measures for the second cycle, as well as performing gap analyses, although only up to 2021.

Nitrates Directive

Diffuse pollution from agriculture remains the most widespread significant pressure on water bodies resulting in eutrophication and higher water treatment costs.

According to the Commission's latest report⁷⁰ on the implementation of the **nitrates** Directive, 32.3 % of monitoring stations showed an overall increase in average nitrate concentration in groundwater for 2012-2015 by comparison with 2008-2011, while 35.2 % showed a decrease. As regards surface water, 29.2 % of monitoring stations showed a higher average nitrate concentration, while 27.3 % of them had a lower one.

Directive (91/676/EEC) and the Floods Directive (2007/60/EC).

⁶⁹ EEA, [WISE dashboard](#).

⁷⁰ European Commission, [2018 Commission report on nitrates](#).

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The average nitrate concentration in **groundwater** exceeded 40 mg/L in 25.3 % of monitoring stations, and 50 mg/L in 12.4 % of them. In the case of **surface water**, the average concentration exceeded 40 % in 3.8 % of stations and 50 mg/L in 1.2 % of them .

To comply with the 2013 ruling by the European Court of Justice⁷¹ on the designation of zones vulnerable to nitrates, France is in the process of designating the last vulnerable areas.

Drinking Water Directive

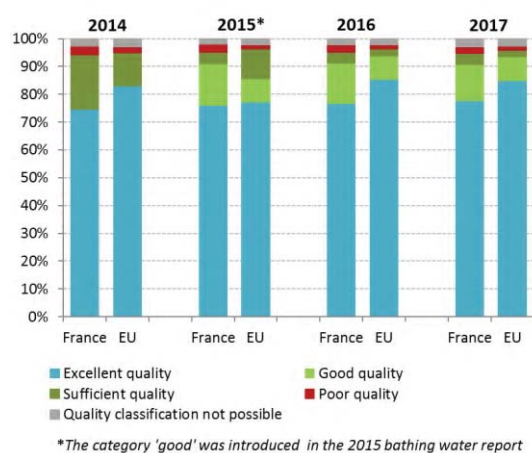
No new data has been made available on **drinking water** since EIR 2017 ⁷².

Bathing Water Directive

As regards **bathing water**, Figure 18 shows that in 2017, out of the 3 379 bodies of bathing water in France, 77.7 % were of excellent quality, 13.2 % of good quality and 3.8 % of sufficient quality (the corresponding figures were 76.8 %, 14.3 % and 4.1 % in 2016). In 2017, 80 bodies of bathing water in France were of poor quality⁷³.

Detailed information on French bathing water is available from a national portal⁷⁴ and via an interactive map viewer provided by the European Environment Agency⁷⁵.

Figure 18: Bathing water quality, 2014 – 2017 ⁷⁶



Urban Waste Water Treatment Directive

Overall, France has demonstrated a satisfactory level of compliance with the basic requirements of the Directive on **urban waste water** treatment. As regards collection and treatment rates, 100 % of waste water in France is

collected. 88.5 % of the load collected is subject to secondary treatment, while 94.5 % is subject to more stringent treatment. 112 agglomerations are still non-compliant with the directive.

However, the ninth round of reporting⁷⁷ also showed that around 112 agglomerations are now non-compliant with the Directive. The Commission is investigating the issue jointly with France. According to data reported by France as part of this last round of reporting, investment estimated at EUR 4 300 million is needed to ensure adequate collection and treatment in the remaining agglomerations⁷⁸. France has also reported on a number of planned projects (28) but there do not seem to be enough of them to achieve full compliance, as the number of agglomerations in breach (112) greatly outnumber the projects. Moreover, France reports that these projects are expected to be completed by 2021, a long time after the last 2005 deadline.

Floods Directive

The Floods Directive established a framework for the assessment and management of flood risks, aiming at the reduction of the adverse consequences associated with significant floods.

France has adopted and reported its first Flood Risk Management Plans under the Directive and the European Commission conducted an assessment.

The Commission's assessment found that good efforts were made with positive results in setting objectives and devising measures focusing on prevention, protection and preparedness. The assessment also showed that, as was the case for other Member States, France's Flood Risk Management Plans do not yet include concrete enough measures, clearly prioritised, that are linked to the objectives set and an as complete as possible estimation of the cost of measures with identification of specific sources of funding. In addition, there is scope for improving the integration of the flood risk management cycle's successive steps into the Flood Risk Management Plans.

2019 priority actions

- Take steps in order to improve tackling nutrient pollution, and assess and report the expected effect of the measures.
- Implement measures to ensure there will be no

⁷¹ C-193/12 of 13/06/2013.

⁷² Compliance with the Drinking Water Directive microbiological and chemical parameters as last reported was very high.

⁷³ European Environment Agency, 2017. [European bathing water quality in 2016](#), p. 17.

⁷⁴ France, [National bathing water portal](#).

⁷⁵ EEA, [State of bathing waters](#).

⁷⁶ European Environment Agency, 2018. [European bathing water quality in 2017](#), p. 21.

⁷⁷ European Commission, Ninth Report on the Implementation Status and the Programmes for Implementation of the Urban Waste Water Treatment Directive (COM(2017) 749) and Commission Staff Working Document accompanying the report (SWD(2017)445).

⁷⁸ European Commission, Ninth Report on the Implementation Status and the Programmes for Implementation of the Urban Waste Water Treatment Directive (COM(2017) 749) and Commission Staff Working Document accompanying the report (SWD(2017)445).

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future delays concerning agglomerations in breach of the urban waste water treatment directive.

- Take steps to improve the integration of the flood risk management cycle's successive steps into the Flood Risk Management Plan.

Chemicals

The EU seeks to ensure that by 2020 chemicals are produced and used in ways that minimise any significant adverse effects on human health and the environment. An EU strategy for a non-toxic environment that is conducive to innovation and to developing sustainable substitutes, including non-chemical options, is being prepared.

EU chemicals legislation⁷⁹ provides baseline protection for human health and the environment and ensures stability and predictability for economic operators on the internal market.

The 2016 European Chemicals Agency (ECHA) report on the operation of REACH and CLP⁸⁰ showed that enforcement activities are still developing. In the Forum for Exchange of Information on Enforcement, which enables EU countries to share their experience of enforcement, coordinated enforcement projects⁸¹ have shown that enforcement activities could be made even more effective, especially as regards registration obligations and safety data sheets. Relatively high instances of non-compliance have been found in these areas.

While there have been improvements in national enforcement activities, there is scope for further improvement as regards harmonisation throughout the EU, including controls on imported goods. It is also clear that enforcement is still weak in some countries, particularly as regards controls on imports and supply chain obligations. Moreover, the architecture of enforcement capabilities remains complex in most EU countries. The enforcement projects also revealed some differences among EU countries. For instance, some systematically report higher compliance than the EU average, others lower.

A 2015 Commission study highlighted the importance of harmonising the implementation of REACH at national level, in terms of market surveillance and enforcement; it

⁷⁹ Principally for chemicals: REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals), OJ L 396, 30.12.2006, p. 1.; Classification, Labelling and Packaging, the CLP Regulation (OJ L 252, 31.12.2006, p. 1.), together with legislation on biocidal products and plant protection products.

⁸⁰ European Chemicals Agency, [Report on the Operation of REACH and CLP 2016](#).

⁸¹ ECHA, On the basis of the projects [REF-1](#), [REF-2](#) and [REF-3](#).

is a critical factor in successfully operating a harmonised single market⁸².

In March 2018, the Commission published an evaluation of REACH⁸³. The evaluation concludes that REACH delivers on its objectives, but that progress made is slower than anticipated. In addition, the registration dossiers often are incomplete. The evaluation underlines the need to enhance enforcement by all actors, including registrants, downstream users and in particular for importers, to ensure a level playing field, meet the objectives of REACH and ensure consistency with the actions envisaged to improve environmental compliance and governance. Consistent reporting of Member State enforcement activities was considered important in that respect.

The French competent authority on REACH is the Ministry for the Ecological and Inclusive Transition of France. The French Environmental Code assigns responsibility for REACH enforcement to a number of enforcing authorities, especially the environmental inspectorate, the labour inspectorate, the consumer protection authority and the customs authority. It grants them the powers they need and sets out the offences defined by REACH and the penalties (both administrative and criminal) that can be imposed for infringing REACH requirements. An annual interministerial circular organises the work of REACH enforcers. Each REACH enforcement authority works in its own field of competence; for instance, the labour inspectorate deals with REACH requirements pertaining to workers. The first checks were carried out in 2009. Currently, they focus mainly on pre-registration requirements⁸⁴.

Making cities more sustainable

EU policy on the urban environment encourages cities to put policies in place for sustainable urban planning and design. These should include innovative approaches to urban public transport and mobility, sustainable buildings, energy efficiency and urban biodiversity conservation.

The population living in urban areas in Europe is projected to rise to just over 80% by 2050⁸⁵. The urban environment poses particular challenges to the environment and human health, while also providing opportunities and efficiency gains in resource use. Municipalities are encouraged to become greener

⁸² European Commission, *Monitoring the Impacts of REACH on Innovation, Competitiveness and SMEs*, 2015.

⁸³ [COM\(2018\) 116](#).

⁸⁴ ECHA, [National Inspectorates – France](#).

⁸⁵ European Commission, Eurostat, [Urban Europe](#), 2016, p.9.

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through the Green Capital Award⁸⁶, the Green Leaf Award⁸⁷ and the Green City Tool⁸⁸.

Financing greener cities

Over 2014-2020, France has planned to allocate EUR 850 million (10 % of its European Regional Development Fund (ERDF) allocation) and EUR 62 million (2 % of its European Social Fund allocation to sustainable urban development)⁸⁹.

France is a participant in the European Urban Development Network (UDN)⁹⁰, which includes more than 500 cities across the EU. UDN is responsible for implementing integrated measures based on sustainable urban development strategies financed by ERDF over 2014-2020.

Within the UDN initiatives, the ERDF is supporting urban innovative actions (UIA) as a way of testing new and unproven approaches to urban challenges. The UIA has a total ERDF budget of EUR 372 million for 2014-20. Five French cities (Lille, Nantes, Paris, Sevran and Toulouse) have obtained funding to support a wide variety of projects in areas such as urban regeneration, homeless people, energy efficiency, the circular economy or mobility.



Participation in EU urban initiatives and networks

French municipalities are involved in EU initiatives to do with environmental protection and climate change in cities. Nantes was selected as the 2013 European Green Capital⁹¹, thanks to its commitment and strategy for safeguarding the environment in key areas such as urban planning, transport, housing, water, energy and waste management.

Sixteen French municipalities are involved in the URBACT initiative to support sustainable urban development, through 17 thematic networks⁹².

Several Horizon 2020 network projects have also helped make French cities more sustainable. CIVITAS includes 14 municipalities representing France in a common effort to achieve cleaner and better transport in cities⁹³.

French cities are also actively involved in initiatives such as **Eurocities** (a political platform for major European cities) and the **EU Covenant of Mayors**. 113 French cities, representing almost 16 million people, had signed up to the Covenant by June 2018. Signatories commit to developing a sustainable energy and climate action plan within 2 years. 80 French cities have already adopted such a plan⁹⁴. Signatories endorse a shared vision for 2050:

- speeding up decarbonisation of their land,
- improving their capacity to adapt to unavoidable climate change, and
- giving citizens access to secure, sustainable and affordable energy.

These urban initiatives and networks may contribute to a better urban environment. In 2017, 18 % of French city-dwellers said the area where they lived was affected by pollution, grime or other environmental problems (19.3 % in 2016 and 17.8 % in 2015). These figures are below the EU-28 average (20 % in 2017, 18.9 % in 2016 and 9.2 % in 2015)⁹⁵.

Nature and cities

In France, 22 % of the Natura 2000 network lies within functional urban areas⁹⁶, above the EU average of 15 % (see Figure 19).

The biodiversity plan recently adopted by France (on 4 July 2018)⁹⁷ includes developing the natural environment in cities. It highlights the role played by nature in cities in helping to mitigate the urban heat island effect, improving quality of life and preventing floods. The plan aims to achieve the following:

- one tree per 100 inhabitants,
- a 40 % increase in green areas in cities and
- a 50 % increase in green areas as a proportion of the overall surface area in cities by 2020.

Local authorities will be encouraged to promote biodiversity in cities and to support innovative actions.

⁸⁶ European Commission, [European Green Capital](#).

⁸⁷ European Commission, [European Green Leaf Award](#).

⁸⁸ European Commission, [Green City Tool](#).

⁸⁹ Agreement between the European Commission and France [Accord de Partenariat, 2014-2020, France](#).

⁹⁰ European Commission, [The Urban Development Network](#).

⁹¹ [Nantes green capital 2013](#).

⁹² URBACT, [Associated Networks by country](#).

⁹³ European Commission, [Horizon 2020 Civitas Project](#).

⁹⁴ Covenant of Mayors for Climate and Energy, [Plans & Actions](#).

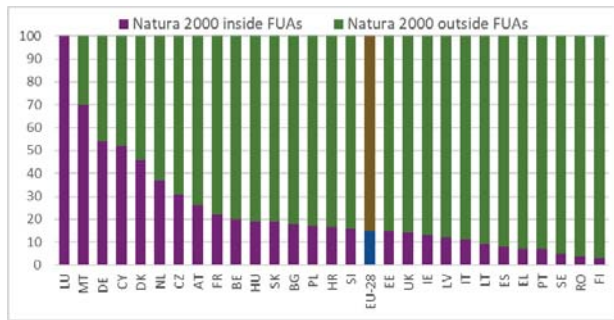
⁹⁵ European Commission, Eurostat, [Pollution, grime or other environmental problems by degree of urbanisation](#).

⁹⁶ European Commission, [Definition of Functional Urban Areas](#).

⁹⁷ [Plan biodiversité 2018](#).

Since 2010, France has had a ‘Capital of Biodiversity’ prize to honour municipalities that improve and promote the protection of biodiversity at local level in urban areas. Participation is open to municipalities of all sizes, including small villages. In 2017, Mittersholtz (Alsace) won the prize for supporting biodiversity in land use, renovation and building. The theme for 2018 is ‘ecological design and management of natural areas’⁹⁸.

Figure 19: Proportion of Natura 2000 network in Functional Urban Areas (FUA)⁹⁹



According to the biodiversity plan, 66 000 hectares of agricultural soil or natural areas are sealed every year. The plan aims to reduce net soil sealing to zero and to ensure that French legislation includes an obligation for the local authorities to combat, limit and compensate for urban sprawl.

Urban sprawl

France had a weighted urban proliferation rate, at 2.33 UPU/m²¹⁰⁰ in 2009 compared to a European average (EU-28+4) of 1.64 UPU/m², having increased by 3.1 % from 2006 to 2009¹⁰¹.

Traffic congestion and urban mobility

The number of passenger cars per 1000 inhabitants has been falling since 2014. The figure was 498 in 2013; by 2016 it had fallen to 479¹⁰².

Road vehicles are up by 6.5 % since 2006, despite a slowdown in registrations over 2016 and 2017. Although diesel cars now account for a smaller proportion of new cars registered, 62 % of passenger cars ran on diesel in 2016¹⁰³ — the highest rate in Europe.

However, the number of cars running on alternative fuels is rising. The number of new passenger cars using alternative fuels rose more than tenfold between 2011 and 2016. Similarly, the number of electric charging

⁹⁸ France, ‘Capital of Biodiversity’ prize.

⁹⁹ European Commission, [The 7th Report on Economic, Social and Territorial Cohesion](#), 2017, p. 121.

¹⁰⁰ Urban Permeation Units measure the size of the built-up area as well as its degree of dispersion throughout the region.

¹⁰¹ EEA, [Urban Sprawl in Europe, Annex I](#), 2014, pp.4-5.

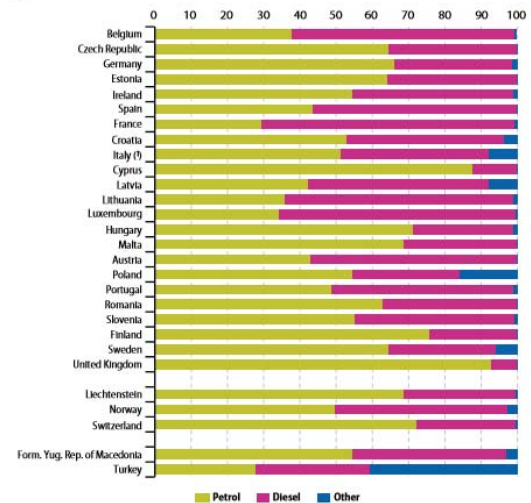
¹⁰² Eurostat, Passenger cars per 1 000 inhabitants.

¹⁰³ CGDD, Datalab, Chiffres clés du transport, Édition 2018, Mars 2018.

points in France rose significantly between 2013 and 2016. Between 2014 and 2016, the number of charging points rose from 1 834 to 15 843 units¹⁰⁴.

Figure 20: Proportion of passengers cars by fuel types, 2015

Figure 3.1.2: Share of passenger cars, by fuel type, 2015 (%)



Note: Data not available for Bulgaria, Denmark, Greece, Netherlands and Slovakia. (I) 2014 data instead of 2015. Source: Eurostat (online data code: road_esp_carpd)

Vignette Crit’air

The air quality certificate Crit’air is a tool for improving air quality. It enables towns and cities to adjust their parking and traffic policy to encourage the use of the least polluting vehicles. It allows to ban the most polluting vehicles in certain areas during pollution peaks.

An air quality certificate is mandatory for driving in restricted traffic areas (French low-emission zones) designated by the authorities, such as inside the Paris ring road, or if an emergency scheme has been introduced during pollution episodes. The certificate also confers certain benefits made available by local authorities.

The certificate is a round sticker displayed in a prominent position on the vehicle. There are six different types of certificates, corresponding to different categories of vehicle, classed by air pollutant emissions.

2016 saw an increase in road traffic, with more private transport of travellers and freight transport, owing to low fuel prices and the economic recovery. Greenhouse gas emissions from transport, which had been falling since 2004, rose slightly in both 2015 and 2016. Road mortality,

¹⁰⁴ European Commission, [Transport in the European Union](#) Current Trends and Issues, April 2018.

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which had been falling since 2005, was up for the third year in a row.

Car trips represented over 80 % of passenger-kilometres travelled in France in 2015. This remains slightly below the EU average of 81.3 %. On the other hand, use of buses and coaches in France is below the EU average, while rail passenger transport is higher¹⁰⁵.

The total length of cycle tracks increased from 6900 km in 2011 to 13700 km in 2016. The total length of the road and rail networks is almost stable, while the tram network is expanding in big cities¹⁰⁸.

¹⁰⁵ European Commission, [Transport in the EU](#), April 2018.

Part II: Enabling framework: implementation tools

4. Green taxation, green public procurement, environmental funding and investments

Green taxation and environmentally harmful subsidies

Financial incentives, taxation and other economic instruments are effective and efficient ways to meet environmental policy objectives. The circular economy action plan encourages their use. Environmentally harmful subsidies are monitored in the context of the European Semester and the energy union governance process.

France’s revenue from environmentally relevant taxes remains close to the EU average. Environmental taxes stood at 2.31 % of GDP in 2017 (EU-28 average: 2.4 %), as shown in Figure 21, and energy taxes at 1.92 % of GDP, against an EU average of 1.84 %. In the same year, the environmental tax came to 4.77 % of total revenues from taxes and social security contributions (lower than the EU-28 average of 5.97 %).

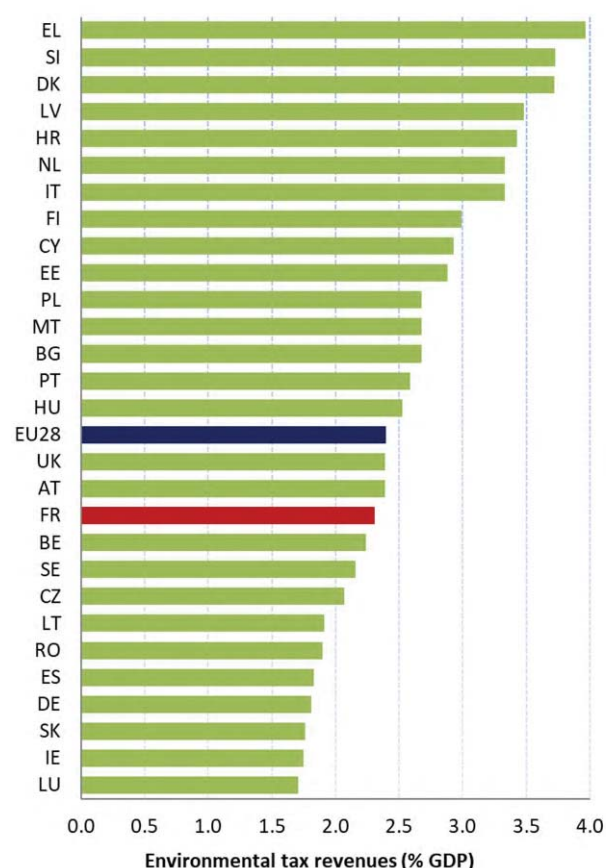
The labour tax take as a proportion of total tax revenues (52 % in 2016) was in line with the EU average, while the implicit tax burden on labour was 41.2 %¹⁰⁶. Consumption taxes remained relatively low at 24.5 %, the lowest rate but one among the EU-28. This suggests there is significant potential for shifting taxes — especially those with an environmental impact — from labour to consumption.

The 2018 country report prepared in the context of the European Semester acknowledged France’s efforts to increase revenue from tax on transport fuel and the fact that environmental taxation will continue to rise, as the carbon tax is set to increase until 2030. However, there is no automatic indexation of environmental taxes in France. Indexing excise duty levels to inflation may prevent an erosion of tax revenues, and it would help to maintain the impact of the tax on people’s behaviour¹⁰⁷.

Nevertheless, there are several instances where sound fiscal measures have been implemented to protect the environment. The water abstraction charges (*Redevances pour prélèvement sur la ressource en eau*) are a good example. These have existed for over 50 years and are

payable for extracting water from a ground source (with some exemptions)¹⁰⁸.

Figure 21: Environmental tax revenues as % of GDP, 2017¹⁰⁹



Meanwhile, fossil fuel subsidies have been cut by only a limited amount over the past decade. The main reason for this is the existence of state aid for filling stations and funding for petroleum R&D. Several tax exemptions persist that are designed to keep national industry competitive. There are also tax refunds on diesel used for public, private and freight road transport and on shipping and aviation fuels¹¹⁰. These exemptions accounted for EUR 4 000 million in 2016, while budgetary transfers for coal, electricity capacity and demand-side response exceeded EUR 85 million.

¹⁰⁶ European Commission, [Taxation Trends Report](#), 2017.

¹⁰⁷ European Commission, [2018 European Semester Country Report](#), p. 30.

¹⁰⁸ Institute for European Environmental Policy, Case Studies on Environmental Fiscal Reform, [Water abstraction charges in France](#)

¹⁰⁹ Eurostat, [Environmental tax revenues, 2018](#).

¹¹⁰ OECD, [Inventory of Support Measures for Fossil Fuels](#), 2018.

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Some progress has been made since 2005 on reducing the 'diesel differential' (the difference between the price of diesel and that of petrol). The gap between petrol and diesel tax rates had fallen to 15 % by 2018 from 41 % in 2005¹¹¹. The excise tax rates levied on petrol and diesel in 2018 are EUR 0.6869 per litre for petrol and EUR 0.594 for diesel¹¹². The 2018 finance law on excise duties on diesel was set to increase the rate by EUR 0.026 per litre per year between 2018 and 2021 with the intention to close the taxation gap between diesel and petrol by 2022^{113 114}, following the increases in 2016 and 2017.

The announcement by the government of a plan to increase carbon and diesel taxes as of 2019 has triggered a movement of strong social protest led by the so-called "gilets jaunes" (yellow vests). Originally motivated by the perception that the planned fuel tax hikes would particularly affect low-income households, further exacerbating the negative impact of the recent increases of fuel prices on their disposable income. In response to the movement and the ensuing unrest, the government decided to cancel the planned increase in fuel taxation.

Tax treatment for company cars is a cause for some concern in France¹¹⁵. However, new tax measures for company cars are being introduced in 2018: this will increase taxation on vehicles with high CO2 emissions and limit the depreciation basis for cars that pollute heavily¹¹⁶.

Company car tax is based on CO2 emissions and varies from €2 for each gram emitted for vehicles that emit between 50 and 100 g/km to €27 for vehicles whose emissions exceed 250 g/km¹¹⁷.

France has CO2-based motor vehicle taxes. Under the bonus-malus system in place, vehicles emitting 20 g/km or less of CO2 receive a bonus of EUR 6 000. Vehicles emitting more than 120 g/km, on the other hand, pay a malus of EUR 50-EUR 10 500, depending on the level of emissions. Additional bonuses are granted when vehicles over 15 years old are scrapped. The registration tax for passenger cars is also based on CO2 emissions¹¹⁸.

Incentives to choose cars with lower CO2 emissions in 2016 included lower annual road taxes, lower road tolls, and congestion or low-emission zone charges. Consumers

were encouraged to opt for cleaner vehicles or use public transport¹¹⁹. New vehicles purchased in France are among the most environmentally friendly in the EU, with average CO2 emissions of 109.8 grams per kilometre, below the 2016 EU average of 118 grams¹²⁰.

The use of alternative fuels in new passenger cars sold in France has been increasing over the past few years. By 2016, the share of new passenger cars using alternative fuels was ten times that in 2011¹²¹. Most of the increase is attributable to battery electric vehicles and plug-in hybrid electric vehicles.

Green public procurement

The EU's green public procurement policies encourage Member States to take further steps to apply green procurement criteria to at least 50 % of public tenders. The European Commission is helping to increase the use of public procurement as a strategic tool to support environmental protection.

The purchasing power of public procurement amounts to around EUR 1.8 trillion in the EU (approximately 14% of GDP). A substantial proportion of this money goes to sectors with a high environmental impact such as construction or transport. Therefore, green public procurement (GPP) can help to significantly lower the negative impact of public spending on the environment and can help support sustainable innovative businesses. The Commission has proposed EU GPP criteria¹²².

The National Action Plan for Sustainable Public Procurement, France's GPP strategy, was adopted and published in March 2015. It aims to increase the extent to which social and environmental aspects are taken into consideration in public procurement (respectively 8,6% and 13,4% in 2016 in tenders above EUR 90 000 ex tax). The Action plan's objective is to reach, by 2020, 25% and 30 % for social and environmental aspects.

A European Parliament study shows that France has achieved better results than any other EU country in implementing its GPP strategy¹²³. However, according to

¹¹¹ European Environment Agency 2017, [Environmental taxation and EU environmental policies](#), p. 27.

¹¹² European Commission, [Taxes in Europe Database](#), 2018.

¹¹³ European Commission, [European Semester Country Report 2018](#), p. 30.

¹¹⁴ OECD 28th Joint Meeting on Taxation and Environment, 18 May 2018.

¹¹⁵ European Commission, [Taxation of commercial cars in Belgium](#), 2017, p. 3.

¹¹⁶ FleetEurope, [Major changes to company car taxation in Europe](#).

¹¹⁷ ACEA, [CO₂ based motor vehicle taxes in Europe](#).

¹¹⁸ ACEA, [CO₂ based motor vehicle taxes in Europe](#).

¹¹⁹ European Environmental Agency, [Appropriate taxes and incentives do affect purchases of new cars](#), 18 May 2018.

¹²⁰ European Environment Agency, [Average CO2 emissions from new passenger cars sold in EU-28 Member States plus Norway, Iceland and Switzerland in 2016](#).

¹²¹ European Commission, [Transport in the European Union: Current Trends and Issues](#), 2018, pp.27-28.

¹²² In the Communication 'Public procurement for a better environment' (COM (2008) 400) the Commission recommended the creation of a process for setting common GPP criteria. The basic concept of GPP relies on having clear, verifiable, justifiable and ambitious environmental criteria for products and services, based on a life-cycle approach and scientific evidence base.

¹²³ European Parliament, [Green Public Procurement and the Action Plan for the Circular Economy](#), 2017, pp. 79-80.

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a French Economic, Social and Environmental Committee study, the social and environmental progresses do not reach the policy objectives initially defined¹²⁴.

There are legal objectives concerning: vehicles, communication technology, sustainably managed wood, organic and sustainably-made food, the development of car sharing, and the carbon footprint of state-owned buildings.

France participates in the Interreg programme “GPP STREAMS” which aims to improve the management, implementation and monitoring of policy instruments that integrate GPP approaches to ensure maximum gains in resource efficiency.

Since 2017, a series of agreements (‘Engagements pour la croissance verte’ — ECV), designed to develop greener production patterns and to support the implementation of a circular economy, have been signed with the construction industry (recycling or waste from public works, recycling of plaster) and other industrial sectors. In the context of the ECVs, France is developing tools to help public buyers and building trade professionals move towards the circular economy.

Environmental funding and investments

European Structural and Investment Fund (ESIF) rules oblige Member States to promote environment and climate in their funding strategies and programmes for economic, social and territorial cohesion, rural development and maritime policy.

Achieving sustainability involves mobilising public and private financing sources¹²⁵. Use of the European Structural and Investment Funds (ESIFs)¹²⁶ is essential if countries are to achieve their environmental goals and integrate these into other policy areas. Other instruments such as Horizon 2020, the LIFE programme¹²⁷ and the European Fund for Strategic Investments (EFSI)¹²⁸ may also support the implementation and spread of good practices.

According to Eurobarometer 468, 88 % of French people support more EU investment in environmental protection (the EU-28 average being 85 %).

¹²⁴ Conseil économique social et environnemental, Commande publique responsable: un levier insuffisamment exploité, p. 6 ; March 2018.

¹²⁵ See, for example, [Action plan on financing sustainable growth \(COM\(2018\) 97\)](#).

¹²⁶ i.e. the European Regional Development Fund (ERDF), the Cohesion Fund (CF), the European Social Fund (ESF), the European Agricultural Fund for Rural Development (EAFRD) and the European Maritime and Fisheries Fund (EMFF). The ERDF, the CF and the ESF are referred to as the ‘cohesion policy funds’.

¹²⁷ European Commission, [LIFE programme](#).

¹²⁸ European Investment Bank, [European Fund for Strategic Investments, 2016](#).

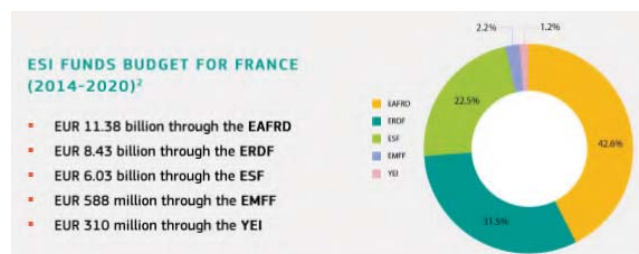
With a budget of EUR 454 billion for 2014-2020, the ESIF are the EU’s main investment policy tool.

European Structural and Investment Funds, 2014-2020¹³³

Through 83 national, interregional and regional programmes, France has been allocated EUR 26.73 billion from ESI Funds over 2014-2020. Complemented by a national contribution of EUR 19.04 billion, France has a total budget of EUR 45.77 billion to be invested in various areas:

- creating jobs and growth
- boosting the shift to a low-carbon economy
- supporting the competitiveness of SMEs
- strengthening research and development in an innovation-friendly business environment¹²⁹

Figure 22: Breakdown of ESI Funds (2014-2020)



ESIF in France will:

- strengthen research and technological development and innovation,
- support SMEs (including those in the farming, fisheries and maritime sectors),
- promote employment and social inclusion, combat poverty and support labour mobility,
- protect the environment by supporting the shift to a low-carbon economy, including investments in energy efficiency, by developing renewable energies and clean transport, and by supporting agricultural production methods that are more respectful of natural resources,
- support the development of cities through integrated measures for sustainable urban development, and support bottom-up development strategies in rural areas.

Cohesion policy¹³⁰

Over the 2014-2020 programming period, France has EUR 8.43 billion through the ERDF and plans to use over EUR 1 044 million (12 % of the whole ERDF) to support direct environmental projects in the following areas:

¹²⁹ ESIF [country fiche for France](#).

¹³⁰ All the financial allocations given in this section represent only the EU contribution (national and private are not covered).

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- Protecting and enhancing biodiversity and protecting nature, EUR 287 million.
- Implementing measures to prevent and adapt to climate change, EUR 246 million.
- Rehabilitating industrial sites and contaminated land, EUR 129 million.
- Managing household waste management (mainly in the outermost regions): thermal treatment and incineration, EUR 157 million.
- Waste water treatment (mainly in the outermost regions), EUR 224 million.

As regards integrating environmental concerns in other policy areas, France plans to support projects contributing indirectly to environmental objectives with a total amount of EUR 1 828 million in the following policy areas:

- Energy: EUR 1 228 million (EUR 423 million for renewables and EUR 805 million for energy efficiency),
- Sustainable transport: EUR 382 million,
- Sustainable business processes: EUR 165 million,
- Sustainable tourism: EUR 53 million.

Overall, environmental (direct) and sustainable (indirect) investments represent 34 % of France’s ERDF allocation in 2014-2020.

During the 2007-2013 programming period, EUR 1 008 million was allocated to direct environmental investments and EUR 1 176 million to indirect environmental investments. Investment in renewable energy sources and energy efficiency increased significantly in 2014-2020 (from EUR 670 million in 2007-2013 to EUR 1 228 million).

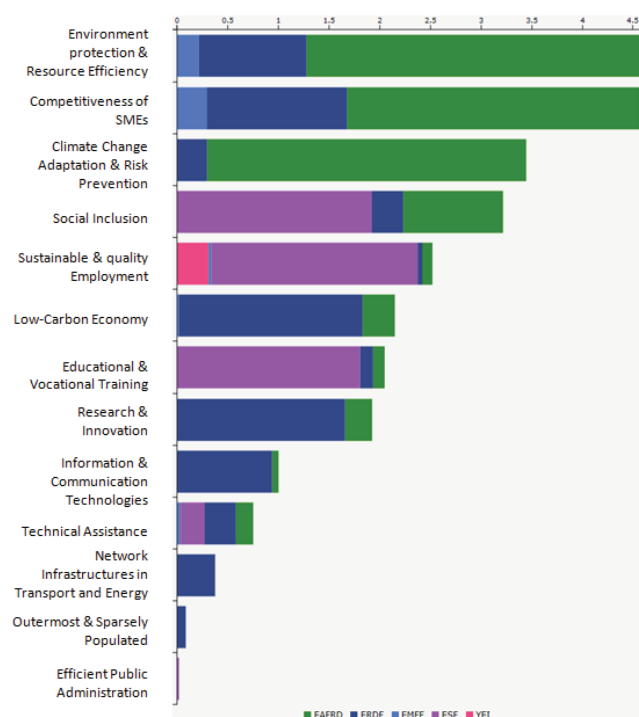
Reallocations (the transfer of financial allocations from one sector to another) were positive in 2007-2013 as regards indirect environmental investments: EUR 119 million (+11.3 %) were reallocated, mainly to solar energy and energy efficiency. Direct environmental investments remained stable overall (overall, -1.4 % of funds were reallocated, totalling EUR 14 million).

Rural development

France has EARDF funding of EUR 9 909 million over 2014-2020 (before the first modification and before flexibility between the two pillars of the CAP, reported to be 3-3.3 % per year). The budget for agro-environmental-climate measures represents 10 % of the total EAFRD and is one of the 10 lowest percentage allocations (the EU average being 16.51 %). However, agri-environment and climate measures receive the third largest share of the total EAFRD in France, and the forecast national budget will be doubled by comparison with the previous programming period, 2007-2013. Taking into account the budget earmarked for measures to support organic

farming (which are now implemented in accordance with a specific article of Regulation 1305/2013), the total budget allocated to these measures is expected to rise from EUR 180 million/year over 2007-2013 to EUR 360 million/year during the current programming period. Moreover, the 55.87 % rate for priority 4 (one of the EAFRD’s six priorities focused on water, biodiversity and soil protection), includes the high contribution for less favoured areas (LFAs) under measure 13: priority 4 should be reduced to 20 % without LFAs. France faces environmental pressures on air (especially ammonia emissions from farming), biodiversity (by ensuring consistency with the prioritised action framework PAF at regional level) and soil (25 % of French territory is vulnerable to landslides). Irrigation is a significant drain on water resources in southern France.

Figure 23: ESIF 2014-2020 – EU allocation by theme, France (EUR billions)¹³¹



30 regional rural development plans allow for financing measures to benefit the environment and the climate. Approximately 55 % of all funds assigned to these rural development plans are earmarked for funding environment and climate measures.. This represents about EUR 15 billion over 2014-2020. In 2018, the budget for rural development plans was boosted further with an additional allocation of about EUR 600 million of EU funds.

As regards agri-environment and climate measures, there are around 70 different types of operations which have

¹³¹ European Commission, [European Structural and Investment Funds Data By Country](#).

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been designed to address various environmental issues identified at regional level. Some of these measures contribute to the objective of maintaining or restoring the good conservation status of habitats and species of Community interest in Natura 2000 sites. Support for vulnerable habitats and species is prioritised.

Rural development plans also support ambitious environmental objectives determined by the authorities, such as those relating to organic farming and pesticide use. The French authorities aim to increase the share of organic farming to 15 % of total farmland by 2022 and to halve pesticide use by 2025. Given the challenges posed by biodiversity loss (especially the decline of pollinators), the pollution by pesticide of some water bodies with pesticides, and strong demand on the part of French society, these objectives are strategic.

In southern regions, where farming puts pressure on water resources, rural development programmes support projects to reduce water needs and to make irrigation systems more efficient. This is done in accordance with environmental legislation, notably the Water Framework Directive, and the objective of achieving a good status of water bodies.

Rural development programmes generally support the transition to a more sustainable model of agriculture. However, large intensive mono-cropping areas remain, placing major pressures on the environment (biodiversity, soil, water). Efforts to achieve a transition to a fully sustainable model of farming need to be pursued, especially in the areas of most intensive production.



As regards direct payments, farmers are required to comply with a number of eco-conditionalities to protect the environment and ecosystems (biodiversity, habitats, soil, water and air). The introduction of additional greening obligations in 2014 has, unfortunately — as in other European countries — yielded only marginal benefits for the environment so far.

European Maritime and Fisheries Fund (EMFF)

France has EMFF funding of EUR 585 million (EU contribution) over 2014-2020. French funding priorities are as follows¹³²:

- EU Priority 1: EUR 150.9 million (25.7 % of total EMFF allocation) for achieving a better balance between fishery activities and environmental protection and sustainability.
- EU Priority 2: EUR 88.8 million (15.1 %) goes towards meeting the objectives of the French national strategic plan for aquaculture. Support will also focus on protecting and restoring biodiversity.
- EU Priority 3: EUR 122.3 million (20.8 %) support for control and data collection.
- EU Priority 4: EUR 22.6 million (3.8 %) helps to improve the territorial cohesion of fisheries and aquaculture.
- EU Priority 5: EUR 163.2 million (27.8 %) goes towards improving the marketing, diversification and of seafood products.
- EU Priority 6: EUR 5.3 million (0.9 %) goes towards improving the efficiency of maritime surveillance, extending the network of marine protected areas and improving knowledge of the marine environment.
- EUR 34.8 million (5.5 %) is allocated to technical assistance.

Artificial reefs to protect Prado Bay sea beds in Marseille ¹³⁷

Prado Bay has long been the victim of progressive silting. Sand covered the natural reefs, endangering the habitats of many animal and plant species. This project built some 401 artificial reefs of up to 30 m deep, over an area of 220 ha. (Total cost: EUR 4 740 000 (EUR 1 814 038 of EU co-financing))

The Connecting Europe Facility (CEF)

The CEF is a key EU funding instrument developed specifically to direct investment towards European transport, energy and digital infrastructure to address identified missing links and bottlenecks and promote sustainability.

By the end of 2017, France had signed agreements for EUR 2 billion for projects under the CEF¹³³.

¹³² European Commission, [Summary of French EMFF OP](#).

¹³³ European Commission, [European Semester Country Report for France](#), 2018, p. 14.

Horizon 2020

France has benefited from Horizon 2020 funding since the programme started in 2014. As of January 2019, 2 825 participants have been granted a maximum amount of EUR 1.09 billion for projects from the Societal Challenges work programmes dealing with environmental issues^{134 135}.

In addition to the abovementioned work programmes, climate and biodiversity expenditure is present across the entire Horizon 2020. In France, projects accepted for funding in all Horizon 2020 working programmes until December 2018 included EUR 1 billion destined to climate action (26.1 % of the total Horizon 2020 contribution to the country) and EUR 131 million for biodiversity-related actions (3.2 % of the Horizon 2020 contribution to the country)¹³⁶.

LIFE programme

Since 1992, when the LIFE programme was launched, a total of 354 projects have been co-financed in France¹³⁷. Altogether, they represent a total investment of EUR 789 million, of which EUR 287 million comes from the EU. Of these projects, 221 have focused on environmental innovation (under the LIFE Environment and Resource Efficiency Priority), 118 on nature conservation (under the LIFE Nature and Biodiversity Priority), and seven on information and communication. Under the new LIFE programme, the following projects have been co-funded: three on adapting to climate change, five on mitigating climate change, three climate governance and adaptation, two preparatory projects and two technical assistance projects. One NGO operating grant has also been co-funded.

The EU allocated EUR 43 million to French projects over 2014-2017¹³⁸. The **LIFE CROAA**, which involves implementing strategies to bring alien invasive amphibians in France under control, received a contribution from the EU of over EUR 2 million¹³⁹. Under the Resource Efficiency strand, completed projects have targeted classic issues such as waste management, clean technologies and waste water treatment, but also

integrated environmental management: air quality management and monitoring, noise abatement, river basin management, management of coastal areas and sensitive areas. More recently funded projects have focused on green construction, energy saving, land-use planning and eco-design products. Most projects were implemented by small and medium-sized firms, international companies, local authorities and research institutions. Project durations ranged from 20 to 53 months.

There are 26 ongoing projects in France. These cover a similar spread of themes, as well as some new ones, such as: plastic waste, sustainable construction, end-of-life vehicles, urban design, energy supply and efficiency, water saving, construction and demolition waste, life-cycle assessment and soil decontamination.

Completed projects under the **LIFE Nature and Biodiversity** strand targeted over 40 species — mainly birds, but also freshwater fish, reptiles, mammals and plants — and more than 20 habitats — dry grasslands, rivers, marshes, dunes, lagoons, forests, coastal areas, vine-growing landscapes and alluvial habitats along the Rhine. NGOs and park authorities accounted for over half of project beneficiaries. Other types of beneficiary included development agencies, a research institute and local and regional authorities. Project durations ranged from 43 to 72 months.

21 of these projects are currently under way in France. They deal with conserving and restoring species and habitats. One Nature project aims to restore biodiversity and conserve remarkable military sites in the southeast of France, supporting bat, gull and raptor species within four Natura 2000 sites. There are four ongoing biodiversity projects. One aims to test the relevance and effectiveness of innovative actions to improve the viability of hamster populations in Alsace. Another is seeking to halt the decline of endemic petrels on La Réunion. A third project aims to preserve unique semi-xerophilic forest habitats on La Réunion and to re-establish the connectivity between restored and relict plots. The fourth is designed to conserve the critically endangered giant pearl mussel in France, specifically in the Charente, Vienne and Creuse rivers, where up to 98 % of the world's giant pearl mussel population can be found.

Three projects have been co-financed under the **Governance and Information** strand. The European Week for Waste Reduction, was coordinated by France in partnership with four organisations from three other EU countries (Belgium, Spain and Portugal). Some 22 pioneering public authorities from 10 European countries took part in the project. The Waste Reduction Week was designed to inform the public about the simple actions

¹³⁴ European Commission [own calculations based on CORDA \(Common Research Data Warehouse\)](#). A maximum grant amount is the maximum grant amount decided by the Commission. It normally corresponds to the requested grant, but it may be lower.

¹³⁵ i.e. (ii) Food security, sustainable agriculture and forestry, marine and maritime and inland water research and the bioeconomy; (iii) Secure, clean and efficient energy; (iv) Smart, green and integrated transport; and (v) Climate action, environment, resource efficiency and raw materials.

¹³⁶ European Commission [own calculations based on CORDA \(Common Research Data Warehouse\)](#).

¹³⁷ [European Commission, LIFE programme in France, 2017](#).

¹³⁸ Commission services based on data provided by EASME.

¹³⁹ European Commission, [LIFE Croaa](#).

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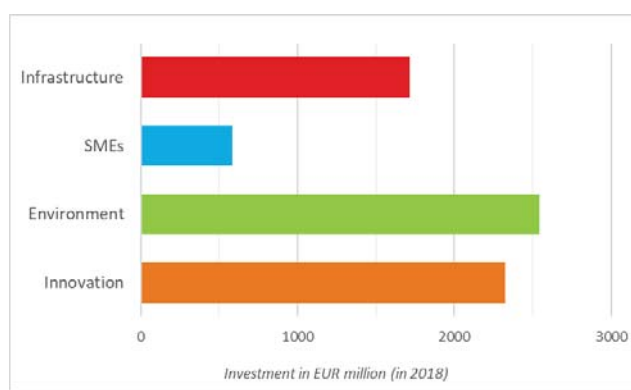
they can take in everyday life to help curb waste. The events were a huge success.

European Investment Bank (EIB)

Since its inception, the EIB has invested EUR 133 billion in the French economy in France — half of it supplied over the last decade — through the funding of 1 400 projects across the country¹⁴⁰.

In 2018 alone, the EIB Group (the European Investment Bank and the European Investment Fund)¹⁴¹ loaned French businesses and public institutions EUR 7.17 billion. Figure 24 shows that more than EUR 2.5 billion (35 % of the total) was invested directly in environment-related projects.

Figure 24: EIB loans to France in 2018¹⁴²



Consequently, France received greater support for energy efficiency projects in public and private buildings and clean transport and renewable energy projects. The renewable energy projects were financed through energy efficiency and renewable energy investment funds and risk-sharing agreements with commercial banks.

European Fund for Strategic Investments

The EFSI is an initiative to help overcome the current investment gap in the EU. It aims to mobilise EUR 500 billion by 2020 for all Member States. As of January 2019, it has mobilised EUR 11.6 billion in France, and the secondary investment triggered by this is expected to be EUR 60.6 billion¹⁴³.

In 2017, EUR 4.7 billion in EFSI financing was approved for 56 interventions in France. In the same year, 48 projects with total financing of nearly EUR 3 billion were signed, unlocking EUR 13.5 billion of additional investment.

EFSI supports a number of new sectors including culture, cybersecurity and the maritime sector. The EIB's first

'green' shipping finance contract was signed with Brittany Ferries (for an amount of EUR 50 million) for the construction of their first ferry powered by liquefied natural gas. This ferry will serve on the Caen-Ouistreham (France) to Portsmouth (UK) route from April 2019.

National environmental financing

France spent EUR 42 billion on environmental protection (including private and public financing) in 2016. Half of this amount (EUR 21 billion) came from public expenditure. 52 % of public spending was allocated to waste management activities (the annual average percentage of environmental spending allocated to waste management in the EU is 49.7 %). EUR 4 254 million was allocated to wastewater management (20 % of the total amount) and EUR 1 575 million went towards pollution abatement (7.4 % of the total). 8 % of the total amount was allocated to protecting biodiversity and the landscape (EUR 1 690 million). Between 2012 and 2016, the public funding for environmental protection was EUR 107.8 billion, the highest amount in the EU¹⁴⁴.

As it has been mentioned through the report, one of the main challenges for France is to ensure that environmental financing remains at an adequate level to tackle the main issues affecting the country. Existent financial gaps in areas such as green infrastructure, urban wastewater and waste management are delaying the correct implementation of EU environmental law and policies. Therefore, ensuring financial resources to reduce the implementation gap should be considered as a priority for the country.

2019 priority actions

- Strengthen the integration of biodiversity concerns into other policies (in particular in agriculture, but also in forestry, urban and infrastructure planning and tourism) and the encourage cooperation between the people and organisations involved in these policy areas.
- Ensure appropriate investments from national and other relevant sources to renew existing urban waste water infrastructures so as to avoid any future non-compliance.
- Mobilise investment, including through EU funds, in waste prevention, separate collection and recycling, as well as reducing air pollution.

¹⁴⁰ [EIB Group activity in France in 2017](#).

¹⁴¹ The EIB Group includes EIB and EFSI investments and loans.

¹⁴² EIB, [France and the EIB](#), 2018.

¹⁴³ European Investment Bank, [EFSI project map](#).

¹⁴⁴ Eurostat, [General Government Expenditure by function](#), 2018.

5. Strengthening environmental governance

Information, public participation and access to justice

Citizens can more effectively protect the environment if they can rely on the three pillars of the Aarhus Convention:

- (i) access to information;
- (ii) public participation in decision-making; and
- (iii) access to justice in environmental matters.

It is of crucial importance to public authorities, the public and business that environmental information is shared efficiently and effectively¹⁴⁵. Public participation allows authorities to make decisions that take public concerns into account. Access to justice is a set of guarantees that allows citizens and NGOs to use national courts to protect the environment¹⁴⁶. It includes the right to bring legal challenges (legal standing)¹⁴⁷.

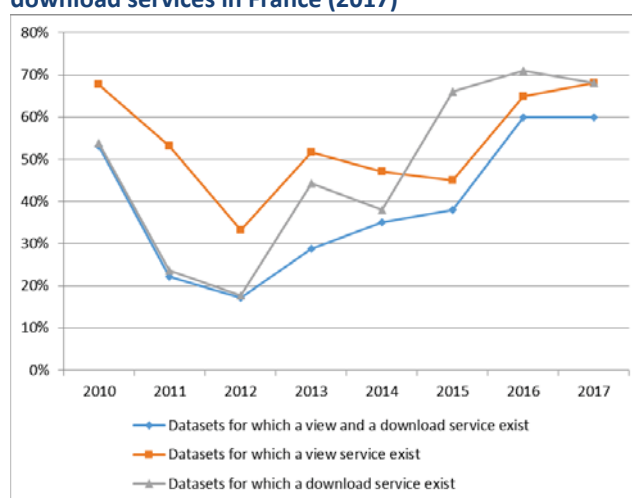
Environmental information

France has an abundance of publicly available information and data for all policy areas, including the environment. The ‘State of the Environment’ report is published online every 4 years. Many public bodies provide information, including through a couple of portals which aim to offer centralised access points¹⁴⁸ — however, these generally do not contain all necessary information. There are big differences between individual environmental areas in the amount of information available. A large amount of information is available for some areas and for others it is difficult to find anything at all. The national geoportal is a very comprehensive source of information, providing many view and download services and analytical tools. The geoportal also hosts France’s INSPIRE portal which also contains a significant amount of data and allows all of the basic data to be downloaded free of charge.

France’s implementation of the INSPIRE Directive leaves room for improvement. Its performance has been

reviewed based on its 2016 implementation report¹⁴⁹ and its most recent monitoring data from 2017¹⁵⁰. France is considered to have made good progress on coordination, data set identification, documentation of data and data access through services. Additional efforts are needed to improve the conditions for data reuse. France also needs to make additional efforts to prioritise environmental datasets in the implementation of environmental legislation. In particular, it needs to prioritise data sets identified as high-value spatial data sets¹⁵¹.

Figure 25: Access to spatial data through view and download services in France (2017)



Public participation

In France, Title II of the first book of the Environmental Code (Code de l’Environnement) entitled ‘Citizen information and participation’¹⁵² contains the main legislative measures related to public participation. The measures were updated by Ordonnance n° 2016-488 of 21 April 2016¹⁵³, which established a new Chapter III bis entitled ‘Local consultation for projects with potential environmental impact’¹⁵⁴ and by Ordonnance n°2016-1060 of 3 August 2016, which reformed the procedures of public participation in the field of environment. They were completed in 2017 as a follow up to the report by the National Ecological Transition Council entitled ‘Environmental democracy: debate and decide’ (Démocratie environnementale débattre et décider)¹⁵⁵.

¹⁴⁵ The Aarhus Convention, the Access to Environmental Information Directive, 2003/4/EC and the INSPIRE Directive, 2007/2 together create a legal foundation for the sharing of environmental information between public authorities and with the public. This EIR focuses on INSPIRE.

¹⁴⁶ The guarantees are explained in Commission Notice on access to justice in environmental matters, OJ L 275, 18.8.2017 and a related Citizen’s Guide.

¹⁴⁷ This EIR looks at how well Member States explain access to justice rights to the public, and at legal standing and other major barriers to bringing cases on nature and air pollution.

¹⁴⁸ France, [The ‘State of the Environment’ report](#).

¹⁴⁹ INSPIRE FR [country sheet](#) 2017.

¹⁵⁰ INSPIRE [monitoring dashboard](#).

¹⁵¹ European Commission, [List of high value spatial data sets](#).

¹⁵² France, [Citizen information and participation](#).

¹⁵³ France, [Ordonnance No 2016-488](#).

¹⁵⁴ France, [Consultation locale](#) sur les projets susceptibles d’avoir une influence sur l’environnement.

¹⁵⁵ France, [Démocratie environnementale débattre et décider](#).

The Ministry for an Ecological and Solidary Transition, created the ‘Charter for public participation’ (La charte de la participation du public)¹⁵⁶ with the help of expert committees. The Charter includes a practical handbook, written in plain language that gives guidance on best practices for public participation in environmental projects. Citizens, associations and project holders can join the Charter, thereby expressing their commitment to implement its principles.

The guidelines on ‘Consult to better regulate’ (Consulter pour mieux réglementer) in France are considered to be a good practice in the context of the Commission’s policy on better regulation¹⁵⁷.

The Eurobarometer figures from 2017 show that people in France agree strongly (85 % of respondents) that an individual can play a role in protecting the environment. This is an improvement compared with 2014.

Access to justice

Information on access to justice in environmental matters can be found on the website of the Ministry of Justice¹⁵⁸. The website covers the legal provisions, but it does not include information on how an individual or NGO can exercise their right to access justice.

The French system of legal standing is based on whether the litigant has interests that are affected and is liberal. There are no significant barriers to NGOs being able to bring challenges on nature and air cases. For example, following a legal challenge by an NGO, by its ruling of 11 July 2017 (No 394254), the Council of State ordered the French government to adopt new and more effective air quality plans. An obstacle to access to justice in France is the high cost of hiring expert lawyers specialised in environmental matters, especially as their involvement is mandatory in certain courts. However, legal aid is available under certain conditions.

2019 priority actions

- Improve access to spatial data and services by making stronger links between the central INSPIRE website and regional portals. Identify and document all spatial datasets required for the implementation of environmental law¹⁵⁹. Make the data and documentation at least accessible ‘as is’ to other public authorities and the public through the digital services set out in the INSPIRE Directive.
- Better inform the public about their right to access justice, notably in relation to air pollution and nature.

¹⁵⁶ France, [Charte de la participation du public](#).

¹⁵⁷ France, [The guidelines on ‘Consult to better regulate’](#).

¹⁵⁸ And more information on [the Council of State \(Conseil d’Etat\)](#).

¹⁵⁹ European Commission, [INSPIRE](#).

Compliance assurance

Environmental compliance assurance covers all the work undertaken by public authorities to ensure that industries, farmers and others fulfil their obligations to protect water, air and nature, and manage waste¹⁶⁰. It includes support measures provided by the authorities, such as:

- (i) compliance promotion¹⁶¹;
- (ii) inspections and other checks that they carry out, i.e. compliance monitoring¹⁶²; and
- (iii) the steps that they take to stop breaches, impose sanctions and require damage to be remedied, i.e. enforcement¹⁶³.

Citizen science and complaints enable authorities to focus their efforts better. Environmental liability¹⁶⁴ ensures that the polluter pays to fix any damage.

Compliance promotion and monitoring

Whether and how well online information is provided to farmers on how to comply with obligations on nitrates and nature is an indicator of how actively authorities promote compliance in areas with serious implementation gaps. In France, online information on farmers’ obligations regarding nitrates is available on the Ministry of Agriculture’s website and its regional offices. Among other examples, a document by the Direction régionale de l’Environnement, de l’Aménagement et du Logement (DREAL) Grand Est provides detailed information on who is concerned and how they can comply with the eight requirements that include: (i) a period during which the spreading of fertilisers is prohibited; (ii) storage of livestock manure; and (iii) making sure that soil is covered with crops to avoid loss of nutrients¹⁶⁵. Very little information is available online on land owners’ obligations to fulfil their obligations for Natura 2000 sites in accordance with the Birds and Habitats Directives.

Major industrial installations can present serious pollution risks. Public authorities are required to have plans to inspect these installations and to make individual inspection reports available to the public¹⁶⁶. The website of the Inspection of Classified Installations

¹⁶⁰ The concept is explained in detail in the Communication on ‘EU actions to improve environmental compliance and governance’ COM(2018) 10 and the related Commission Staff Working Document, SWD(2018)10.

¹⁶¹ This EIR focuses on the help given to farmers to comply with nature and nitrates legislation.

¹⁶² This EIR focuses on inspections of major industrial installations.

¹⁶³ This EIR focuses on the availability of enforcement data and coordination between authorities to tackle environmental crime.

¹⁶⁴ The Environmental Liability Directive, 2004/35, creates the framework.

¹⁶⁵ France, [Fiche by DREAL Grand Est](#).

¹⁶⁶ Article 23, Industrial Emissions Directive, [2010/75/EU](#).

unit (Inspections des Installations Classées) has general information on the planning of inspections.

Citizen science and complaint handling

Engaging the general public through citizen science, can promote knowledge about the environment and help the authorities in their work. No online information could be found about the use of citizen science in France.

The availability of clear online information on how to make a complaint is an indicator of how responsive authorities are to complaints from the public. For lodging complaints on offences related to waste and industrial sites, France provides online forms (*formulaire de réclamation*) on DREAL's websites and on the Inspection of Classified Installations' website¹⁶⁷. However, there is a lack of similar online information on how to lodge complaints on nature-related offences.

Enforcement

When monitoring identifies problems, a range of responses may be appropriate. The Inspection of Classified Installations' website publishes reports with general information on the number of installations inspected, the number of visits and the number of administrative sanctions for cases of non-compliance¹⁶⁸ intermittently. Information at regional level is a mixed picture. For example, DREAL Centre's annual reports have almost no information on inspections¹⁶⁹ whereas DREAL Grand Est provides key details¹⁷⁰. There is no published information on responses to cross-compliance breaches on nitrates and nature. However, statistics on environmental crimes are published¹⁷¹.

Tackling waste, wildlife crimes and other environmental offences is especially challenging. It requires close cooperation and coordination arrangements between inspectors, customs authorities, police and prosecutors. The Central Office for Coordinating Environmental and Public Health Crime (OCLAESP)¹⁷², a national office located within the Gendarmerie, coordinates the enforcement of these crimes across enforcement agencies, including Customs and the National Hunting and Wildlife Agency (ONCFS).

Environmental liability

The Environmental Liability Directive (ELD) establishes a framework based on the 'polluter pays' principle to

prevent and remedy environmental damage. The 2017 EIR focused on gathering better information on environmental damage, on financial security and on establishing guidance. The Commission is still collecting evidence on the progress made.

2019 priority actions

- Provide better information to the public on encouraging compliance, monitoring and enforcement. At the very least, this should entail: (i) ensuring online information on how to comply with obligations on nitrates and nature is available to French farmers; and (ii) providing online information to citizens to make it easier for them to file nature-related complaints.
- Publish more information on the outcomes of administrative enforcement action and of the follow-up to detected cross-compliance breaches on nitrates and nature.
- Improve financial security for liabilities and ELD-guidance and publish information on environmental damage.

Effectiveness of environmental administrations

Those involved in implementing environmental legislation at EU, national, regional and local levels need to have the knowledge, tools and capacity to ensure that the legislation and the governance of the enforcement process brings about the intended benefits.

Administrative capacity and quality

Central, regional and local administrations must have the ability to carry out their own tasks and work effectively with each other within a system of multi-level governance.

TAIEX-EIR Peer 2 Peer events¹⁷³

The EIR P2P programme facilitates the exchange of experiences between the national environmental authorities that implement environmental policy and legislation. France has taken an active part in the programme since September 2018. For example, experts from France and the Netherlands shared best practice in March 2018 on establishing a public-private voluntary agreement on 'green' purchasing and Dutch experts shared their experience of the 'circular procurement' green deal in the Netherlands.

Experts from France also participated in April 2018 in a EIR P2P workshop in Lisbon on **Monitoring air pollution impacts** on ecosystems along with experts from Portugal,

¹⁶⁷ France, [IPPC website](#).

¹⁶⁸ France, [IPPC brochure](#).

¹⁶⁹ France, [DREAL Centre's annual reports](#).

¹⁷⁰ France, [DREAL Grand Est](#).

¹⁷¹ France, [statistics on environmental crimes](#), p. 1.

¹⁷² France, [OCLAESP](#).

¹⁷³ European Commission, [TAIEX Peer 2 Peer](#).

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Spain, France, Italy, Croatia, the Netherlands and Denmark.

At another meeting in Prague in June 2018, experts from France and Germany shared experiences on controlling and **reducing emissions** from cars and on measures to upgrade the car fleet with their peers from the Czech and the Slovakian governments.

In addition, a study visit has been organised in September 2018, where experts from the government of Castilla y León in Spain visited the French region of Auvergne-Rhône-Alpes for the French and Spanish authorities to exchange knowledge on **managing wolf populations**.

Finally, experts from the competent authority responsible for overseeing the EU **Timber Regulation** (EUTR) participated in June 2018 in a EIR P2P workshop to strengthen cooperation among the competent authorities from eight Mediterranean EU countries. The aim was to improve and harmonise the implementation of the EUTR in the Mediterranean region. Experts from the Netherlands and Denmark shared their experiences from the Nordic-Baltic network of EUTR competent authorities.

Coordination and integration

As mentioned in the 2017 EIR, the transposition of the revised environmental impact assessment (EIA) Directive¹⁷⁴ provides an opportunity for countries to streamline their regulatory framework on environmental assessments. France transposed the Directive by the deadline of May 2017.

The Commission encourages the streamlining of the environmental assessments to reduce duplication and avoid overlaps in environmental assessments for projects. Streamlining helps to reduce unnecessary administrative burden. It also accelerates decision-making, without compromising the quality of the environmental assessment procedure. In the transposition of the revised EIA Directive, France streamlined administrative procedure by introducing common or coordinated procedures for environmental evaluation.

From 1 March 2017, France has introduced a single environmental permit for projects as part of the government's initiative to modernise environmental regulations. The single environmental permit simplifies and streamlines the procedures and allows a better overview of all environmental aspects of a project.

The single environmental permit applies to: (i) projects that implement the legislation on industrial installations ('Installations Classées pour la Protection de

l'Environnement, ICPE'); and (ii) relevant projects that implement the French Water Act ('Loi sur l'eau'). Projects that are likely to include measures to avoid, reduce or offset harmful effects on the environment do not need a permit but they do require an environmental assessment.

The permit covers a number of areas for which main decisions are required from the State. These are:

- environmental legislation (Natura 2000, protected species and derogations and waste processing),
- forestry,
- energy,
- patrimony,
- transport,
- defence.

In France, the environmental authorisation procedure is coordinated with other relevant procedures, especially those required under its urban legislation. For wind farm projects, the environmental authorisation exempts from obtaining the construction permit. Greater flexibility is also being introduced in the renewable energy sector (i.e. photovoltaics).

The permit application is submitted to a single contact — the prefect ('préfet'), a local representative of the State. The procedure has been reduced to three stages (review, public inquiry and decision) and there are simplified formalities and requirements for a single permit. Complex projects can benefit from a special system whereby permits are granted in several stages. The streamlined approach also aims to shorten the delays in procedures, for example by reducing the average time taken for authorisation to be granted from 12-15 months to 9 months.

France also introduced changes to the litigation system so that project developers may now refer the authorisation to the administrative court within 2 months of its publication and third parties within 4 month of its publication (compared with the previous period of 12 months after publication and 6 months after entry into force fixed in general law).

Following a grievous complaint by a third party, the judge may conduct the procedure or completely or partially annul the authorisation, depending on the law applicable at the time of the judgment (except for planning rules for which the judge must take account of the law that applied at the time of the decision). In case of modification of the project, the environmental authorisation may be subject to amendment by supplementary order of the prefect.

France adopted a new act in March 2018 which states that if the environmental authority has comments on a project, the project developer should respond in writing and these written comments should be made public.

¹⁷⁴ [Directive 2014/52/EU](#).

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Following a case law from the Conseil d'Etat, a decree is expected to be adopted, requiring that the opinion on the EIA for all regional-level projects be given by the regional bodies of the national independent environmental authority (MRAe) and not by the prefect who could also be the authority delivering the consent.

Adaptability, reform dynamics and innovation (eGovernment)

French public authorities are increasingly adopting and using electronic services that enable them to interact with the public online. The country performance was in line with the EU average in 2018. For Digital Public Services, the country has a score of 0.58/1 based on Europe's Digital Progress Report 2018, EU28 average being 0.57/1¹⁷⁵. The situation has slightly improved since the year 2016, mainly in terms of open data.

The Public Action Programme 2022, launched in October 2017 by the Prime Minister, gives priority to the digital transformation of administrations, with the objective of 100% of dematerialised public services by 2022.

A fund for the transformation of public action was installed at the end of 2017 and endowed with EUR 700 million over the next five years, including EUR 200 million for 2018.

In the DESI Report 2018, France had a score of 59 out of 100 on digital public services, slightly higher than the EU average¹⁷⁶. Enabling financing and efficient use of funds

The French authorities have a long experience in the management of EU funding and no major problems arise in this respect.

2019 priority action

- France can further improve its overall environmental governance (such as transparency, citizen engagement, compliance and enforcement, as well as administrative capacity and coordination).

International agreements

The EU Treaties require EU environmental policy to promote measures at the international level to deal with regional or worldwide environmental problems.

The EU is committed to strengthening environmental law and its implementation globally. It therefore continues to support the Global Pact for the Environment process, which was launched by the United Nations General

¹⁷⁵ European Commission, [DESI country profile France](#), 2018, p. 10. [DESI country profile France](#), 2018, p. 10.

¹⁷⁶ European Commission, [Digital Economy and Society Index Report 2018, Digital Public Services](#).

Assembly in May 2018¹⁷⁷. The EIR is one of the tools to ensure that the Member States set a good example by respecting European Union environmental policies and laws and international agreements.

France has signed but not yet ratified the Protocol on Strategic Environmental Assessment to the Espoo Convention, the Offshore Protocol to the Barcelona Convention and the Nagoya Protocol¹⁷⁸.

Forests: EU Timber Regulation (EUTR)¹⁷⁹/Forest Law Enforcement, Governance and Trade (FLEGT) Regulation¹⁸⁰

In France, checks are conducted more frequently in regions with higher numbers of operators. Between March 2015 and February 2017, France carried out a total of 30 planned checks for domestic timber, and all 320 checks planned for imported timber. However, the number of checks is quite low when compared to the estimated 5 000 French operators that place domestic timber on the EU market and the 14 000 that import timber. French competent authorities only conducted one check on traders¹⁸¹.

In France, in addition to financial penalties (which may not exceed EUR 1 million), a possible penalty for infringements of due diligence, prohibition or traceability is to suspend the authorisation to trade. So far, sanctions have mainly been for breaches of the due diligence requirement. These sanctions have taken the form of notices of remedial actions. Infringement cases are still under way.

On cooperation (Article 12 of the EUTR), France reports to have collaborated with various government institutions as well as with other EU competent authorities and institutions. Furthermore, France participates in the Mediterranean network on EUTR implementation.

Genetic resources: Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising (ABS)¹⁸²

In line with the provisions of the EU Access and Benefit Sharing (the ABS Regulation), which transposes the required compliance measures under the Nagoya

¹⁷⁷ [UN General Assembly Resolution 72/277](#) and [Organizational session of the ad hoc open-ended working group](#).

¹⁷⁸ Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation to the Convention on Biological Diversity.

¹⁷⁹ [Regulation \(EU\) No 995/2010](#).

¹⁸⁰ [Regulation \(EC\) No 2173/2005](#).

¹⁸¹ Traders were checked by 19 countries, with numbers of checks ranging from 1 (Denmark, France, Luxembourg) to 747 (Cyprus). 12 out of 19 countries conducted between 1 and 65 checks.

¹⁸² [Regulation \(EU\) No 511/2014](#).

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Protocol into EU law, France has appointed competent authorities for genetic resources. It has also applied the Regulation's sanctions for infringements. So far, it has not submitted a due diligence declaration or applied any penalties. Moreover, France has not delivered on its reporting obligations under the EU ABS Regulation.

International wildlife trade: the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)¹⁸³

In line with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), France has established relevant national authorities for the international wildlife trade and regularly processes requests for import, export, re-export, and intra-EU trade documents

Reports on seizures of illegal wildlife shipments, (in particular those reported every 6 months to TRAFFIC (Trade Records Analysis of Flora and Fauna in Commerce) under its contract with the Commission, and those exchanged through the European Union Trade in Wildlife Information eXchange (EU-TWIX) - platform), show the extent of the customs authorities' activity.

To ensure the 2016 EU wildlife action plan is fully implemented, France has developed best practice procedures on how to handle wildlife trade offences along the enforcement chain. France also provides financial support to national and regional development programs outside of the EU, e.g. the African elephant Fund¹⁸⁴.

Sustainable development and the implementation of the UN SDGs

Sustainable development links environmental, social and economic policies in a coherent framework and therefore helps to implement environmental legislation and policies.

France adopted its first national sustainable development strategy (NSDS) in 2003. The second (2010-2013) NSDS was adopted in July 2010, following the national environment roundtable. An interministerial delegate for sustainable development working under the authority of the Prime Minister and Ministry of Environment, Energy and Sea affairs, coordinates the work at national level. The interministerial delegate is also Commissioner General for Sustainable Development.

Sustainable development has been included in the French Constitution since March 2005 when the Environmental Charter was adopted. This guarantees

that stronger efforts will be made to include sustainable development in the work of all public institutions. Each Minister has nominated one or more senior civil servant to prepare their administration's contribution to the NSDS, coordinate the preparation of the corresponding action plans and monitor their implementation.

France is also developing an action plan for the Sustainable Development Goals (SDGs). However, it remains to be seen whether the plan will include a mechanism for integrating SDGs into policy making.

The 110 statistical indicators developed by the National Institute of Statistics and Economic Studies to monitor progress in implementing the SDGs could help to inform decision-making. France presented a voluntary national review of its implementation of the SDGs at a UN high-level political forum on sustainable development in July 2016. It was one of the first four EU countries to do so. An update is planned for 2019.

¹⁸³ [The Convention on International Trade in Endangered Species of Wild Fauna and Flora \(CITES\)](#).

¹⁸⁴ UN, [African Elephant Fund](#).