Format for the Aarhus Convention implementation report in accordance with Decision IV/4 (ECE/MP.PP/2011/2/Add.1)

The following report is submitted on behalf of the French Republic in accordance with decisions I/8, II/10 and IV/4.

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| Name of officer responsible for submitting the national report: |
| Signature: |
| Date: |

Implementation report

‑ Please provide the following details on the origin of this report

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I. Process by which the report has been prepared

*Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report.*

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| 1. - This report was simultaneously submitted for updating to State agencies and the main institutions concerned (the National Commission for Public Debate, the National Company of Public Inquiry Commissioners, the main associations and foundations working to protect nature and the environment, and the National Association of Local Information Commissions.  2. - A first version of the updated draft report was available for public consultation on the Internet site of the Ministry of Ecology, Sustainable Development and Energy from 30 October to 30 November 2013.  3. - Apart from the institutional actors, environmental NGOs and the public were not involved in updating the national report. |
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II. Particular circumstances relevant for understanding the report

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| 4. - No information was provided under this heading. |
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III. Legislative, regulatory and other measures implementing the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8

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| **paragraph 2**  5. - Article 27 of Act No. 83-634 of 13 July 1983 on the rights and duties of public officials, provides that it is the duty of public officials to comply with requests for information from the public, while respecting, in particular, professional confidentiality.  **6. - Act No. 2000-321 of 12 April 2000 on the rights of citizens in their relations with the administrative authorities facilitates procedures for requesting information from the government. This aim was emphasized in the recent Act No. 2013-1005 of 12 November 2013 enabling the Government to simplify relations between administrative authorities and citizens. This law, adopted in the broader framework of the public policy modernization process, provides, for example, for the development of widespread electronic communications with administrative authorities (Article 2 I (1)) and also for "greater public participation in the preparation of official government documents" (Article 3 III (3)).**  **paragraph 3**  7. - Article 8 of the Charter for the Environment provides that "education and training on the environment must help citizens to exercise the rights and duties defined by this Charter".  8. - In September 2013, France held its second environmental conference, which adopted some ten measures on environmental education.  9. - 10,000 primary and secondary schools are to include environmental education in their School Plan. Their approaches will include awareness visits and residential school trips organized in partnership with local actors such as the Federation of Regional Natural Parks or the National Natural History Museum.  10. - Under Guidance and Programming Act No. 2013-595 of 8 July 2013 for Restructuring Schools, environmental education will be strengthened and ESPE (new-style institutions for teacher training and education) will train future teachers in environmental issues.  11. - In higher education, "Campus for the Future" agreements are to be signed between the Ministry of Higher Education and the Deposits and Consignments Fund, making earmarked funds available for increasing awareness of environmental issues among the different university-level actors. A sustainable development competency framework for students will be prepared by the beginning of the 2015/2016 academic year.  12. - Finally, a larger number of citizenship initiatives on environmental themes will be encouraged. |
| **paragraph 4**  13. - Associations are governed by the Act of 1 July 1901 on the contract of association.  Specific provisions relating to environmental protection associations are set out in Book I, Title IV of the Environmental Code.  14. - If associations have been active mainly in the environmental field and for at least three years, they may be granted recognition by the State. Such recognition may be required for participation in the numerous consultative commissions to which they can bring a citizens' perspective and make a contribution on environmental matters. In the area of administrative justice, Article L. 142-1 of the Environmental Code gives associations broad access to legal action, since "any association the purpose of which is the protection of nature and the environment may institute proceedings before administrative courts for any grievance relating to this protection". Thus, any recognized association automatically enjoys a presumption of interest in participating in legal action against any administrative decision that directly relates to its object and activities as laid out in its articles of association and that has an adverse environmental impact.  15. - Regardless of whether they are officially recognized or not, associations may receive grants. Since 2001, such financial assistance may take the form of multi-year agreements on objectives signed with the State and State institutions and providing support over a period of three years.  16. - Article L.141-3 of the Environmental Code creates a set of basic requirements for recognized environmental associations and recognized foundations of public benefit to be nominated to consultative bodies that examine environmental and sustainable development policies.  17. - In particular, the latter must fulfil criteria relating to their representativeness of their geographical area and the administrative area of the consultative body in question, their experience and their rules for governance and financial transparency. These additional criteria have been defined so that the associations' legitimate role in these bodies cannot be challenged by the other partners (for example, local authority representatives, trade unions or employers' organizations), within the framework of a system of governance that is deliberately very open.  18. - In the sphere of nuclear power, associations designated as 'Local Information Commissions' (CLI), created since 1977, have the general duty of monitoring, providing information and consulting on nuclear safety, protection from radioactivity and the impact of nuclear operations on people and the environment as regards the installations at the site they cover (Article L. 125-17 ff. of the Environmental Code). They are made up of representatives of concerned *département* councils, regional councils, municipal councils or the deliberative assemblies of groups of communes, members of Parliament elected for the *département*, and representatives of environmental protection associations, economic interests, employees' unions and professional organizations (Article L. 125-20 of the Environmental Code). In 2000 the Local Commissions created a national federation, the National Association of Local Information Commissions (ANCCLI), responsible for representing its members to national and European authorities and to providing support to commissions in matters of mutual interest. |
| **paragraph 7**  19. - In preparing for the United Nations Conference on Sustainable Development, Rio+20, which took place from 20 to 22 June 2012, the French authorities regularly consulted civil society through an *ad hoc* committee, the Rio+20 Committee. This committee, steered jointly by the ministry responsible for the environment and the Ministry of Foreign Affairs, contributed to France's conference position. It brought together State bodies, elected politicians, representatives of businesses, employees' unions, environmental protection associations and foundations, and individuals and institutions with particular skills in the area of sustainable development.  20. - Furthermore, since 2011, the French authorities have set up an Internet site enabling them to communicate with the public on Rio+20 issues, with the aim of encouraging maximum access to information.  21. - NGOs formed an integral part of the French delegation to the Conference in Rio, and, as part of the European Union, France gave strong support throughout the negotiations to the principle of the effective, transparent, broad participation of civil society. France is pleased to have supported the outcome achieved on this point in the document adopted at the end of the conference: "The future we want".  **paragraph 8**  22. - The Declaration of Human and Civic Rights of 1789 recognizes that all citizens are equal in the eyes of the law (Article 6), prohibits arbitrary arrests and detentions (Article 7) and proclaims: "No one may be disturbed on account of his opinions, even religious ones, as long as the manifestation of such opinions does not interfere with the established law and order." (Article 10).  23. - The Declaration of Human and Civic Rights has been recognized by the Constitutional Council as forming part of the country's 'block' of constitutional principles, and therefore its status is the same as that of the Constitution (Decision of the Council No. 71-44 DC of 16 July 1971).  24. - The Constitution guarantees the independence of the jurisdiction of the courts and the Constitutional Council has highlighted the independence of the administrative courts as a fundamental principle acknowledged in French law (Constitutional Council, 22 July 1980, No. 80-119 DC).  25. - Finally, France is a party to the Convention for the Protection of Human Rights and Fundamental Freedoms, which guarantees the right to security and to freedom of thought, opinion, expression and association, under the supervision of its Court (the ECHR). |
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**IV. Obstacles encountered in the implementation of article 3**

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| 26. - Here we might highlight a gap in the training of officials on specific aspects of the right to access to environmental information. Despite relevant efforts, not all administrative authorities have yet designated an individual who is responsible for access to information.  27. - In the area of environmental education, efforts still need to be made to raise public awareness of participation mechanisms that are sometimes little known. |
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V. Further information on the practical application of the general provisions of article 3

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| 28. - No information was provided under this heading. |
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VI. Website addresses relevant to the implementation of article 3

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| 29. - Environmental conference: <http://www.developpement-durable.gouv.fr/-La-conference-environnementale,5900-.html>  Constitutional Council: [www.conseil-constitutionnel.fr](http://www.conseil-constitutionnel.fr/)  Ministry of Agriculture and Fisheries: [http://agriculture.gouv.fr](http://agriculture.gouv.fr/)  Ministry responsible for the environment: [www.developpement-durable.gouv.fr](http://www.developpement-durable.gouv.fr)  Ministry of Justice: [www.justice.gouv.fr](http://www.justice.gouv.fr/)  National Natural History Museum: www.mnhn.fr/  National parks: [www.parcs-nationaux.org](http://www.parcs-nationaux.org/)  Regional Natural Parks: [www.parcs-naturels-regionaux.fr](http://www.parcs-naturels-regionaux.fr/)  National Institute on the Industrial Environment and Hazards: [www.ineris.fr](http://www.ineris.fr/)  ‘France Nature Environnement’ association: [www.fne.asso.fr](http://www.fne.asso.fr/)  Bird Protection League: [www.lpo.fr](http://www.lpo.fr/)  ‘Ecole et Nature’ network: [www.ecole-et-nature.org](http://www.ecole-et-nature.org/)  ‘Eau et Rivières de Bretagne’ association: www.eau-et-rivieres.asso.fr  Friends of the Earth France: <http://www.amisdelaterre.org/>  Water agencies: [www.lesagencesdeleau.fr](http://www.eaufrance.com/)  Committee for the Environment and Sustainable Development: [www.comite21.org](http://www.comite21.org/)  General Secretariat for Public Policy Modernization: <http://www.modernisation.gouv.fr/>  ‘Service Civique’ Agency (National Volunteer Service): [http://www.service-civique.gouv.fr](http://www.service-civique.gouv.fr/) |
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VII. Legislative, regulatory and other measures implementing the provisions on access to environmental information in article 4

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| 30. - Article 7 of the Environmental Charter (which has the same status as the Constitution) guarantees the right to access environmental information held by the public authorities and to participate in making any decisions that have an environmental impact.  31. - Article L. 110-1 II (4) of the Environmental Code places the right for everybody to have access to information relating to the environment among the general principles of environmental law.  32. - Directive 2003/4/EC on access to information, which takes into account article 4 of the Aarhus Convention, has been transposed, notably through the following articles.  - Book I, Title II of the Environmental Code relates to “Information for and participation by citizens”.  - Chapter IV deals with the right to access information relating to the environment. The right of access is governed by Act No. 78-753 of 17 July 1978 on various measures to improve relations between government and the public and on various tax, social and administrative provisions, and Decree No. 2005-1755 of 30 December 2005 on the application of the Act, subject to the specific provisions of Book I, Title II, Chapter IV of the Environmental Code (Articles L. 124-1 to L. 124-8 and R. 124-1 to R. 124-5), which set forth a number of practical details deriving from the Aarhus Convention and Directive 2003/4/EC. Other articles in the Code relate to access to information on specific subjects such as chemicals, nuclear power, hazards, waste, air and water quality. |
| **paragraph 1**  33. - Public authorities have to provide the environmental information held by or for them to anyone on request. Everyone has this right without having to demonstrate an interest (Book I, Title II, Chapter IV of the Environmental Code and Act No. 78-753 of 17 July 1978).  34. - Act No. 78-753 of 17 July 1978 stipulates that: “access to administrative documents is secured, at the option of the applicant and subject to the technical capabilities of the administration:  (a) by means of free on-site consultation, except where this is precluded by considerations relating to the preservation of the document;  (b) by means of the issue of a copy on a medium identical to or compatible with that used by the administration, provided that reproduction does not jeopardize the preservation of the document, and at the expense of the applicant, provided that such expense shall not exceed the cost of reproduction, and subject to conditions established by decree;  (c) by electronic mail and without charge, when the document is available in electronic format”.  35. - In addition, a great deal of information on the environment is available on the Internet. Since 2009, the public environmental information portal “Tout sur l’environnement [All about the environment]” has offered access to information produced by France's leading public sector actors on environmental issues (on 1 September 2013, almost 80,000 resources were indexed there, with 185 contributors).  36. Enabling Act No. 2013-1005 of 12 November 2013 is designed to extend both the scope of the information made available and the use of electronic communications between administrative authorities and the public (see Article 2(2) and (3) of the Act). |
| **paragraph 2**  37. - France has transposed the requirements of the Convention into Article R. 124-1 of the Environmental Code, which stipulates that any request for information must receive an explicit response within a month of receipt. In exceptional circumstances, the time limit can be extended to two months where the volume or complexity of the information requested so warrants. In that case, the public authority shall inform the applicant of the extension, giving reasons, within one month. |
| **paragraphs 3 and 4**  38. - In listing the grounds for refusal of a request for information, Article L. 124-4 of the Environmental Code refers in part to Article 6 of Act No. 78-753 of 17 July 1978. If the request relates to information on emissions into the environment, the public authority can reject the request only on grounds of French foreign policy, public security or national defence; judicial proceedings or investigations into offences that might lead to criminal penalties; or intellectual property rights (Article L. 124-5 II of the Environmental Code). In addition, the Commission on Access to Administrative Documents (CADA), an independent administrative authority, is charged with ensuring freedom of access to administrative documents.  **paragraph 5**  39. - Article R. 124-1 III CE provides that "where the request relates to information that it does not hold, the public authority in receipt of the request must send it to the public authority likely to hold the information and advise the person concerned of this within one month". |
| **paragraph 6**  40. - Article 6 III of Act No. 78-753 of 17 July 1978 establishes an obligation to supply information in part: where the information requested contains references that may not be disclosed because they are exempt under the provisions (outlined in point 38 above) on protection of State or private secrets and interests, but it is possible to obscure or remove such references, the information is supplied to the applicant after obscuring or separating out those references.  **paragraph 7**  41. - Articles L. 124-6 I and R. 124-1 I of the Environmental Code require the public authority in receipt of a request to give an explicit answer in all cases within one month. A decision to deny the request must be notified to the applicant in writing indicating the reasons for the refusal as well as the remedies available and the corresponding time limits. In exceptional circumstances, the time limit can be extended to two months where the volume or complexity of the information requested so warrants. In that case, the public authority shall inform the applicant of the extension, giving reasons, within one month.  **paragraph 8**  42. - On-site consultation is free of charge, except where it is precluded by considerations relating to preservation of the document. If copying is technically feasible, it shall be charged to the applicant, provided that this charge shall not exceed the cost of reproduction. It is also possible for the interested party to obtain the requested document by electronic mail and without charge if it is available in electronic format (Article 4 of Act No. 78-753 of 17 July 1978).  43. - Article 35 of Decree No. 2005-1755 of 30 December 2005 lays down the conditions for calculating the cost of reproducing documents to be charged to the applicant, as well as postage costs, where applicable. The applicant is advised of the total charge, and the administration may require payment in advance.  44. - The cost of copying an administrative document may not exceed €0.18 per A4 page for black and white printing and €2.75 for a CD-ROM (Order of 1 October 2001). |
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VIII. Obstacles encountered in the implementation of article 4

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| 45. - Lack of resources to process requests in some administrative authorities may create difficulties of access to administrative documents.  46. - Environmental information is spread across different Internet sites: action to bring the available data together is ongoing (see below, article 5). |
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IX. Further information on the practical application of the provisions of article 4

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| 47. - The Commission on Access to Administrative Documents recorded 4,569 requests for an opinion in 2012 (compared with 4,432 in 2009), of which 6.5% concerned the environment (compared with 6% in 2009) and 16.8% related to town planning (compared with 15.4% in 2009). .  48. - In its 2012 Activity Report, the Commission comments that two thirds of cases in the Environment sector “(…) relate to technological and natural hazards… ”. It also comments that “Environmental protection associations request access to impact assessments fairly early in the process of project validation” and that “Individual requests … are mainly for documents relating to sanitation services (…)”.  49. - Under Article R. 124-2 of the Environmental Code, it is now compulsory for public authorities to designate a person responsible for access to information on the environment (referred to in French by the acronym ‘Praire’). Under Article R. 124-3 of the Code, that person is responsible for receiving requests for access to information on the environment, as well as any appeals, and for ensuring that they are dealt with. The person may also be asked to draft an annual report on requests for access to environmental information.  50. - The network responsible for access to administrative documents (PRADA) and for issues relating to the reuse of public information currently consists of 1,500 people: an online directory may be consulted on the web site of the Commission on Access to Administrative Documents. |
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X. Website addresses relevant to the implementation of article 4

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| 51. - Monitoring and statistics service of the ministry responsible for the environment: [www.stats.environnement.developpement-durable.gouv.fr/](http://www.stats.environnement.developpement-durable.gouv.fr/)  European Environment Information and Observation Network (Eionet) for France: nfp-fr.eionet.eu.int  Biodiversity indicators from the National Biodiversity Monitoring Centre (ONB): indicateurs-biodiversite.naturefrance.fr  National Sea and Coast Monitoring Centre (ONML): [www.onml.fr](http://www.onml.fr/)  French Research Institute for Exploitation of the Sea (IFREMER): [www.ifremer.fr](http://www.ifremer.fr/)  Bureau for Geological and Mining Research: [www.brgm.fr](http://www.brgm.fr/)  Centre for Documentation, Research and Experimentation on Accidental Water Pollution (CEDRE): [www.le-cedre.fr](http://www.le-cedre.fr/)  National index of impact assessments: [www.fichier-etudesimpact.developpement-durable.gouv.fr](http://www.fichier-etudesimpact.developpement-durable.gouv.fr/)  Water information: [www.eaufrance.fr](http://www.rnde.tm.fr/)  Subterranean water information: [www.ades.eaufrance.fr](http://www.ades.rnde.tm.fr/)  Information on natural hazards: [www.prim.net](http://www.prim.net/)  Information on wetlands: [www.ramsar.org](http://www.ramsar.org/)  River flows and water levels: www.hydro.eaufrance.fr  Flood watch: www.vigicrues.gouv.fr  Information on tools for integrated water management and water-related regulatory texts: [www.gesteau.eaufrance.fr](http://www.gesteau.eaufrance.fr/)  Programmes for monitoring water conditions: [www.surveillance.eaufrance.fr](http://www.surveillance.eaufrance.fr/)  Reference framework for water data: [www.sandre.eaufrance.fr](http://www.sandre.eaufrance.fr/)  Sanitary classification of bathing spots: baignades.sante.gouv.fr/editorial/en/accueil.html  Sanitary classification of shellfish zones: [www.zones-conchylicoles.eaufrance.fr](http://www.zones-conchylicoles.eaufrance.fr/)  Regulatory information on technological hazards: [www.aida.ineris.fr](http://www.aida.ineris.fr/)  Commission on Access to Administrative Documents: [www.cada.fr](http://www.cada.fr/)  Levels of radioactivity in the environment: [www.mesure-radioactivite.fr/public/](http://www.mesure-radioactivite.fr/public/)  Natural Heritage of France: <http://inpn.mnhn.fr/accueil/index>  National Monitoring Centre for Natural Hazards (ONRN): [www.onrn.fr](http://www.onrn.fr/)  Institute for Public Health Surveillance (InVS): [www.invs.sante.fr](http://www.invs.sante.fr/)  National Agency for Food, Environmental and Workplace Safety (ANSES): [www.anses.fr](http://www.anses.fr/)  National Institute of Health and Medical Research (Inserm): [www.inserm.fr](http://www.inserm.fr/)  French Soils Information System (Gis Sol): [www.gissol.fr](http://www.gissol.fr/)  Chemical substances portal: [www.ineris.fr](http://www.ineris.fr/)  Publication of results of drinking water monitoring analyses: [www.sante.gouv.fr/resultats-du-controle-sanitaire-de-la-qualite-de-l-eau-potable.html](http://www.sante.gouv.fr/resultats-du-controle-sanitaire-de-la-qualite-de-l-eau-potable.html)  Portal for information on public sanitation: assainissement.developpement-durable.gouv.fr  Directory of people responsible for access to administrative documents <http://www.cada.fr/personnes-responsables,6059.html>  Approved air-quality monitoring associations (AASQA): [www.atmo-france.org](http://www.atmo-france.org/)  Ministry of Ecology's environmental studies: [www.side.developpement-durable.gouv.fr](http://www.side.developpement-durable.gouv.fr/medias/medias.aspx?INSTANCE=EXPLOITATION#_blank)  Web sites of regional directorates for the environment, planning and housing (DREAL)  The national [data.gouv.fr](http://www.data.gouv.fr/) portal, which gives access to over 355,000 items of free, reusable public information. |
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XI. Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in article 5

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| 52. - Legislative and regulatory measures are set out in detail below for each of the paragraphs of article 5. When it comes to other types of measures, the ministry responsible for the environment has an active policy of collecting and disseminating information on all aspects of the environment, as in the following examples:  53. - For hazards, the prim.net site consists of a number of “channels” on preventing major hazards, including in particular a channel dedicated to information on hazards (Risquesmajeurs.prim.net), a database presenting inherent hazards for each locality, an electronic catalogue of relevant publications, a site presenting case-law on major hazards and a geographical information system (Cartorisque) presenting and pinpointing hazards in France. In addition, Géoïdd, at *www.statistiques.developpement-durable.gouv.fr/cartographie/ar/cartographie-interactive-geoidd-france.html*, makes data available to the public in map form, while the Eider web tool, at *www.stats.environnement.developpement-durable.gouv.fr/Eider/*, offers data series and tables organized thematically.  54. - On water: the national water data portal (www.eaufrance.fr). Act No. 2006-1772 of 30 December 2006 on water and aquatic environments gave the National Water and Aquatic Environments Office (ONEMA) responsibility for the setting up and technical coordination of an information system to collect, store and disseminate data on water, aquatic environments and their uses and public water distribution and sanitation services. In this context, an interministerial order published in the Journal officiel on 24 August 2010 approved a national water data scheme, provided for by Article R.213-12-2 of the Environmental Code, which sets out the procedures for producing, storing and exploiting data in the Water Information System (SIE). An inventory of water data collection networks throughout France is available at <http://www.sandre.eaufrance.fr/DISCEAU>. A great deal of information is available, including on the Internet, about the main decisions relating to water (Articles R. 214-19, R. 214-37, R. 214-49 of the Environmental Code).  55. - Since 2007, there has been a computerized index of impact assessments, intended to establish a national directory of project impact assessments. This index is now being overhauled following the reform of the environmental impact assessments scheme in late 2011.  56. - Information on pollution and hazard prevention is available on several special websites: air quality, installations classified for environmental purposes (the main decisions are published on the websites of regional Directorates for Environment, Planning and Housing, soil pollution, major hazards (prim.net), and biocides.  57. - More broadly, a great deal of information about the environment is permanently accessible on the site mentioned above: <http://www.toutsurlenvironnement.fr>, as well as through the SIDE portal, which collects and disseminates environmental information produced by the services of the Ministry of Ecology – regional studies and central government publications (in December 2013, 223,000 indexed items were available).  58. - A report on the state of the environment (REE) is produced every 4 years. The next edition is currently being produced, with dissemination expected in September 2014. Similarly, at the regional scale, a regional environmental profile is regularly updated and published. |
| **paragraph 1**  Article 5, paragraph 1 (a)  59. - Article L. 124-7 II of the Environmental Code provides that the public authorities shall ensure that the information collected on the environment by them or on their behalf is precise, up to date and can be used in comparisons.  60. - For example, the Monitoring and Statistics Service (SOeS) of the ministry responsible for the environment is tasked with disseminating environmental statistics to the public. Other State agencies, local authorities and public environmental institutions gather environmental information (for example, for the inventory of natural areas of interest in terms of flora and fauna).  Article 5, paragraph 1 (b)  61. - The administrative authorities are provided with information in the context of authorization procedures (e.g. installations classified for environmental protection purposes - ICPE - under Articles L. 512-1 to L. 512-13 of the Environmental Code) or authorizations or declarations of facilities, projects or activities that have an impact on water (Articles L. 214-1 to L. 214-11 of the Environmental Code).  Article 5, paragraph 1 (c)  62. - As to information on major hazards, Article L. 125-2 of the Environmental Code provides that “citizens have the right to information on the major hazards to which they are exposed in certain parts of the country and on the protection measures affecting them. This right shall apply to technological hazards and foreseeable natural hazards”.Articles R. 125-9 ff. of the Environmental Code regulate the exercise of the right to information on this type of hazard.  63. - Where floods are concerned, a high-water warning service – the central service for hydrometeorology and flood warning support (SCHAPI) – plays a guidance, assistance, advisory and training role nationwide for agencies operating in the field of high-water forecasting and water resources, and keeps them continuously informed of current water-related events. In the event of rapid rises in water levels, it keeps the ministry responsible for the environment and the public informed of hydrometeorological developments through a dedicated website: www.vigicrues.gouv.fr.  64. - In regard to air quality, Article L. 223-1 of the Environmental Code provides that “when air quality alert thresholds have been or are likely to be reached, the Prefect [the central government’s representative in a *département* or region] shall immediately so inform the public…”. |
| **paragraph 2**  65. - Article L. 124-7 of the Environmental Code states that public authorities shall take measures to inform the public of their right to access information relating to the environment. Article R. 124-2 of the Code requires public authorities to designate a person responsible for access to environmental information who in particular is tasked with receiving requests for information and any appeals.  66. - Articles L. 124-7 and R. 124-4 of the Environmental Code state that public authorities shall establish directories or lists of categories of the environmental information they hold, which can be accessed free of charge, indicating where that information is made available to the public. Environmental data collected by the public authorities may be consulted by the public free of charge, either on the Internet or in the documentation issued by the agencies concerned. Leaflets are also distributed free of charge by public bodies. |
| **paragraph 3**  67. - Article L. 124-8 of the Environmental Code requires public dissemination of certain categories of information relating to the environment. These categories of information and the conditions for their dissemination are specified in Article R. 124-5 of the Environmental Code, which provides for public dissemination by different means: in the *Journal officiel de la République française* [Official Journal of the Republic of France] or the Official Journal of the European Union in conditions provided for by Articles 29 to 33 of Decree No. 2005-1755 and, in other cases, electronically.  68. - The environmental information that must be publicly disseminated includes the following:  (a) Reports by public authorities on the state of the environment;  (b) International treaties, conventions and agreements; European Community, national, regional and local laws or regulations concerning the environment. The official newsletter of the ministry responsible for the environment and the *Journal officiel de la République française* (JORF) are accessible via the ministry’s website. In addition, the Legifrance web site offers access to all legislative texts;  (c) Plans, programmes and documents defining public policies relating to the environment (e.g. plans for water resources development and management).  (d) Many other databases on specific topics, including water, air and hazards, which are maintained by technical bodies, are accessible on their websites, or through links on websites focusing on specific areas. |
| **paragraph 4**  69. - The four-yearly reports on the state of the environment are published on the Internet. Publication of the next report has been set for September 2014. |
| **paragraph 5**  70. - Decree No. 2002-1064 of 7 August 2002 on public dissemination of the law over the Internet created the Legifrance web site, where all legal texts are published. It provides amended legislative texts, allowing the user to track their history, as well as a large case-law database.  71. - Community justice centres and legal access centres at département level offer free consultations with lawyers, which can be used to obtain information on environmental law. |
| **paragraph 6**  72. - Under Act No. 2001-420 of 15 May 2001 on new economic regulations (NRE), publicly traded companies must include in their annual reports a section on their social and environmental management and the manner in which they take into account the social and environmental repercussions of their activities.  73. - Act No. 2010-788 of 12 July 2010 extended this obligation under the New Economic Regulations Act to certain non-publicly traded companies whose balance sheet total or turnover and number of employees exceed certain thresholds. Decree No. 2012-557 of 24 April 2012 sets these thresholds at 100 million euros for the balance sheet total or the net turnover and 500 permanent employees (averaged over the course of the financial year). It also establishes a list of information required from all the companies concerned and a list of supplementary information to be provided only by publicly traded companies.  74. - The NF-Environnement standard, which appears on the labels of certain products, enables consumers to make more environmentally aware choices (see information below, provided with regard to paragraph 8).  **paragraph 7**  75. - Under environmental legislation, public information is facilitated through descriptions of the rationale for legislation, reports of parliamentary committees, accounts of parliamentary debates, progress reports published by the ministry responsible for the environment, and more specific and ad hoc reports such as those issued by the General Council for the Environment and Sustainable Development, all of which are accessible on the Internet.  76. - General administrative law requires the publication of all official government documents in all spheres. In addition, this information is communicated through publications issued by the ministry responsible for the environment, as well as by services operating on its behalf.  **paragraph 8**  77. - An official French environmental label, NF-Environnement, has been in existence since 1991. It is the property of the French Standards Association (AFNOR), which manages and promotes it. Associated with it is a logo which, when attached to a product, guarantees that it meets specific criteria. The purpose of the NF-Environnement label is to guide consumer choice while encouraging industries to improve the environmental quality of their products. A list of NF-Environnement environmental labels may be consulted at: [www.afnor.fr](http://www.afnor.fr/).  78. - Article L. 112-10 of the Consumer Code has arranged a trial period during which consumers will be informed of the carbon equivalent content of products and packaging as well as the consumption of natural resources and the environmental impact that can be attributed to products over their life span.  79. - An evaluation report on the trial has been submitted to Parliament and is available at:  <http://www.developpement-durable.gouv.fr/IMG/pdf/Affichage_environnemental.pdf>  80. - The report concludes that it is necessary – in the expectation of a European Union measure – to take an approach that will be progressive, proactive, adapted to the given sector of economic activity, consistent with measures at the European level, compatible with international trade rules and based on the methodological reference frameworks developed over more than five years by the French Standards Association and the Environment and Energy Agency (ADEME).  81. - Furthermore, Article L. 121-15-4 of the Consumer Code, which applies Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products, provides that "Where advertisements, in whatever medium, present products covered by EU energy labelling and indicate their sale price, they are to include a reference to the energy efficiency class of these products that is as visible, legible and intelligible as the price labelling".  82. - In addition, Act No. 2010-788 of 12 July 2010 on national commitment to the environment provides that "any person who markets or organizes a passenger, goods or removals transport service must provide the service user with information relating to the quantity of carbon dioxide emitted by the mode or modes of transport used to carry out this service".  83. - Article 229 of the same Act allows environmental protection associations to file civil claims against misleading business practices and advertisements that contain environmental information.  84. - A consumer law currently at the draft stage aims to promote responsible consumption through the provision of information about the availability of detachable product components, in order to limit wastage. Detaching and replacing components may avoid the need to replace a defective appliance in its entirety, at a lower cost to the consumer. This will also help to develop the social economy and the not-for-profit sector, since many entities trading in detachable components fall into these categories.  **paragraph 9**  85. - Each year the ministry responsible for the environment collects the information required for the French register of pollutant emissions, which is published annually on the Ministry site in compliance with European Union requirements.  86. - Under the Order of 24 December 2002 on the annual declaration of pollutant emissions from installations classified for environmental protection purposes that are subject to authorization, each operator concerned must forward to the inspectorate of classified facilities a single statement of pollutant emissions originating from its installations. Since 2005, this statement has been submitted online at <https://www.declarationpollution.ecologie.gouv.fr/gerep/>, and the ministry disseminates the data collected to the general public at <http://www.pollutionsindustrielles.developpement-durable.gouv.fr/IREP/index.php>. Data from over 8,000 facilities are hence published within six months from being collected. CO2 emissions falling under the Emissions Trading Directive must be declared at the same time.  87. - France supplies the European Commission annually with the data needed for the European Pollutant Release and Transfer Register (E-PRTR). They relate to 3,401 facilities and contain over 30,000 pollutant emission or waste transfer values. They have been available on the European Commission website since 2007.  88. - Various types of data relating to water pollution are available on the ministry’s website: a list of data banks and networks run by the water information network (DISCEAU database), including the ADES national data bank on underground water and the HYDRO data bank on hydrometry. |
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XII. Obstacles encountered in the implementation of article 5

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| 89. - Practices relating to gathering and disseminating environmental information are inconsistent. A great deal of work is currently underway to bring together all public data and make them available to citizens. |

XIII. Further information on the practical application of the provisions of article 5

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| 90. - In 2012, the "Tout sur l’environnement" portal recorded 130,000 hits and 352,000 pages viewed.  91. - In 2012, the web site of the ministry's Monitoring and Statistics Service recorded 520,000 hits and 2,000,000 pages viewed; the figures for the first half of 2013 were 287,000 hits and 970,000 pages viewed.  92. - In 2011, the Géoïdd web tool recorded 32,000 hits and 100,000 maps consulted; the figures for 2012 were 27,000 hits and 73,000 maps and for the first half of 2013, 17,000 hits and 73,000 maps.  93. - In 2012, the Eider web tool recorded 30,000 hits and 42,000 data series/tables consulted; the figures for the first half of 2013 were 13,000 hits with 19,000 data series/tables.  94. - The sites of the Regional Directorates for the Environment, Planning and Housing (decentralized departments of the Ministry) that issue flood warnings put daily information updates and bulletins online, at least during critical periods. In order to forecast floods, an online information system bringing together all forecasting services is available (www.vigicrues.gouv.fr) and produces a national monitoring map.  95. - The prim.net information site on major hazards receives an average of 150,000 visitors a month (source: 2010 statistics).  96. - Finally, with regard to establishing lists of communicable administrative documents, the Commission on Access to Administrative Documents and the ministry responsible for the environment are monitoring how the compilation of these environment-related lists and directories is being implemented. To date, 115 statements have been submitted to the ministry and 104 people have been designated responsible for access to environmental information under the 'Praire' provisions. |

XIV. Website addresses relevant to the implementation of article 5

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| 97. - Ministry of Foreign Affairs: [www.France.diplomatie.fr/mae](http://www.France.diplomatie.fr/mae)  Treaties and agreements concluded by France:  <http://basedoc.diplomatie.gouv.fr/Traites/Accords_Traites.php>  Public access law database: <http://www.legifrance.gouv.fr/>  French government online news and resources: <http://www.vie-publique.fr/>  National index of impact assessments: [http://fichier-etudesimpact.developpement-durable.gouv.fr](http://fichier-etudesimpact.developpement-durable.gouv.fr/).  E-PRTR register on the European Commission web site: [http://prtr.ec.europa.eu](http://prtr.ec.europa.eu/) |
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XV. Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in article 6

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| 98. - The principle of public participation has constitutional status (Article 7 of the Charter for the Environment) and is one of the major principles of environmental law (Article L. 110-1 II (5) of the Environmental Code).  99. - The chief legislative measures corresponding to the provisions of article 6 of the Convention appear in Book I, Title II of the Environmental Code, "Information and participation for citizens", in Articles L. 121-1 to L. 121-16 (public debate and other methods of consultation prior to a public inquiry) and L. 123-1 to L. 123-19 (public inquiry).  100. - The application of the principle of participation has recently been strengthened by Act No. 2012-1460 of 27 December 2012 and Order No. 2013-714 of 5 August 2013 on implementation of the principle of public participation, and has been codified in Articles L. 120-1 ff. of the Environmental Code.  101. - In addition, Article L 300-2 of the Planning Code provides for a consultation procedure for spatial planning documents and development operations. |
| **paragraph 1**  102. - Broadly, projects mentioned in Annex I to the Convention are subject to environmental impact assessment and must be subject to a public inquiry (see Article L. 123-1 of the Environmental Code) or, in cases where no other provision applies, submitted to a public participation procedure (see Article L. 122-1-1 of the Code). A consultation procedure may also be organized prior to a public inquiry (see Article L. 121-16 of the Code). The most significant spatial development or infrastructure projects are to be submitted to public debate (see Article R. 121-2 of the Code).  103. - When it comes to the projects mentioned in article 6, paragraph 1(b), a case-by-case prior examination procedure determines whether or not the environmental impacts of the project under consideration justify carrying out an assessment. When a public inquiry is necessary, its organization is mandatory. Before projects listed in Annex 2 to Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment, a public participation procedure may be required where the project can be regarded as having environmental impact under Article L. 120-1-1 of the Environmental Code.  104. - Other procedures may be organized on an exceptional basis, such as citizens' conferences or local decision-making referenda initiated by local authorities, provided for under paragraph 2 of Article 72-1 of the Constitution since the review of the Constitution of 28 March 2003.  105. - However, certain activities are exempt from public participation procedure because of the imperatives of maintaining secrecy in the national defence. |
| **paragraph 2**  106. - National legislation does not define “the public concerned”, which allows anyone who is interested to participate in a public inquiry.  107. - At least fifteen days before the opening of a public inquiry and throughout its course, the public must be notified of all the items listed in article 6, paragraph 2, by all appropriate means, particularly by posters in the places concerned by the inquiry, in the press, or electronically (see Articles L. 123-10, R. 123-9 and R. 123-11 of the Environmental Code). |
| **paragraph 3**  108. The public is to be informed of an order establishing a public inquiry and containing the information mentioned in articles 6, paragraph 2, at least fifteen days before the inquiry is established. The order specifies inter alia the length of the inquiry, which must not be less than 30 days nor exceed two months. The public inquiry commissioner may, during the course of the inquiry, decide to extend the inquiry for a maximum of 30 days, giving grounds for this decision (see Article L. 123-9 of the Environmental Code). For projects that are subject to public debate, the file of debate documentation is to give the best possible information before commencement of the debate period, which generally lasts four months. |
| **paragraph 4**  109. - When a project is subject to an environmental impact assessment, the public may be involved from the stage of deciding the scope of the evaluation: the second paragraph of Article L. 122-1-2 of the Environmental Code allows the developer to request the authority responsible for taking the decision to organize a consultation meeting with local stakeholders interested by the project to allow everyone to share their views on the potential impact of the planned project.  110. - Pursuant to Article L. 121-16 of the Environmental Code, there are two other possible forms of consultation prior to a public inquiry:  - involving the public throughout the whole project planning period;  - organizing consultation within a committee including representatives of the State, local authorities, environmental NGOs, employees' unions and employers' organizations.  111. - The most in-depth form of prior consultation is "public debate", which applies to the most significant projects (see Articles L. 121-1 to L. 121-15 and R. 121-1 to R. 121‑16 of the Environmental Code). Public debate "covers the suitability, the objectives and the principal characteristics of the project. It also covers public information and participation after the debate" (Article L. 121-1 of the Code). The National Public Debate Commission, an independent administrative authority, organizes the public consultation. Other purposes of the Commission are (i) to ensure that the public can participate in the whole phase of project planning from the commissioning of preliminary studies to the end of the public inquiry and (ii) to ensure that the public is properly informed about projects referred to the Commission right up until the acceptance of the facilities and work.  112. - If the Commission decides that there is no need for a public debate in the case of certain projects which have been referred to it, it may recommend that the developer should organize a consultation exercise, some of whose terms it establishes and for which it often appoints a guarantor. |
| **paragraph 5**  113. - The procedures provided for in Articles L. 121-1 ff., L. 121-16 and L. 122-1-2 of the Environmental Code, described above with regard to paragraph 4, meet the objectives set in paragraph 5. |
| **paragraph 6**  114. - The public inquiry documentation file includes the environmental impact assessment of the project, and may be consulted by anyone (see Articles R. 123-9 to R. 123-11 of the Environmental Code). The impact assessment contains all the information required under paragraph 6 (a) to (e). In application of paragraph 6 (f), Article L. 123-12 of the Code stipulates that the file should include all documents and opinions provided to the competent authority. Finally, where a prior public consultation procedure has been organized, the inquiry file is to contain a report evaluating this procedure. |
| **paragraph 7**  115. - During a public inquiry, the public may submit their comments, proposals and counter-proposals, either in writing, in the record of the inquiry or by letter, or directly to the public inquiry commissioner or a member of the inquiry commission. In certain cases, public participation may take place by electronic means (see Article L.123-13 of the Environmental Code). In the procedure provided for by Article L. 120-1-1 of the Code, public participation is to take place principally by electronic means, but special provisions are made for adapting the conditions for public participation where a small local authority is responsible for implementing this procedure. |
| **paragraph 8**  116. - At the end of a public debate for which records have been kept and an evaluation report produced, the developer must take a decision, which is published. In it the developer indicates the principle of and conditions for the continuation of the project and, where relevant, the main changes made. The published decision also lists measures that the developer deems necessary to put in place in order to respond to lessons drawn from the public debate (Article L. 121-13 of the Environmental Code).  117. - The public inquiry commissioner or the inquiry commission draws up a report of the public inquiry, describing the inquiry process and considering the comments made. This report must include counterproposals made during the inquiry as well as any responses from the developer (art. L.123-15 of the Code). In a separate document, the public inquiry commissioner or the inquiry commission records the conclusions reached and the grounds thereof, specifying whether or not they are favourable to the operation. The report and the separate conclusions must be made public.  118. - Article L. 123-1 of the Environmental Code provides that "the comments and proposals gathered during the inquiry are to be taken into consideration by the developer and the authority responsible for taking the decision".  119. - For projects mentioned in Annex 1, Article L. 122-1 of the Environmental Code provides in addition that "IV. - The decision of the competent authority allowing the applicant or the developer to put the project into effect is to take into consideration the impact assessment, the opinion of the State environmental authority and the result of the public consultation".  120. - In addition, a local authority or a public institution for intermunicipal cooperation sponsoring a project that has led to unfavourable findings must pass a justified decision repeating the request for the project to be authorized or declared of public interest (Article L.123-16 of the Code).  121. - An administrative judge for interim applications to whom an action is filed for the suspension of a decision taken subsequent to unfavourable findings of the public inquiry commissioner or commission must allow the action if its grounds create serious doubt that the decision is legal. |
| **paragraph 9**  122. - The Act of 27 February 2002 stipulates that project declarations (Article L. 126-1 of the Environmental Code) and public-interest declarations (Article L. 11-1-1 of the Expropriation Code) must be accompanied by a statement of grounds.  123. - The same applies to decisions to grant or refuse permission to projects subject to impact assessments, which must be accompanied by a statement of grounds and made public (see Article L. 122-1 V of the Environmental Code). Consequently, these decisions must always be explicit (Article L. 123-2 II CE). |
| **paragraph 10**  124. - Changes to the authorization of activities mentioned in article 6, paragraph 1 (a) and (b) are subject to an environmental impact assessment in the conditions provided for by Article R. 122-2 of the Environmental Code and, therefore, to a new public inquiry under Article L.123-2 I (1) of the Code.  125. - In the case of installations classified for environmental protection purposes, Article L. 512-15 of the Environmental Code sets out conditions governing the resubmission of an application for an authorization in the event of the transfer or extension of the installation or a change in the manufacturing processes. |
| **paragraph 11**  126. - There are two authorization procedures for the deliberate release of genetically modified organisms (GMOs) into the environment: authorizations for any purpose other than placement on the market (in particular, for field trials) (Article L.533-3 of the Environmental Code) and authorizations for placement on the market (Article L. 533-5 of the Code). These two procedures are based on an assessment of health and environmental risks.  127. - The application submitted by the applicant to the competent administrative authority to obtain one of the above authorizations must in particular contain an assessment of the health and environmental effects and risks of the GMOs. The High Council for Biotechnologies (HCB) issues an opinion on each application for authorization to deliberately release GMOs, examining the risks that the release entails for the environment and its socio-economic impact. The national agency for food, environmental and workplace safety (ANSES) is also authorized to assess the safety of food that consists of or is produced from GMOs. The opinions of these bodies are published on their respective web sites.  128. - The opinions of GMO assessment bodies are available at:  <http://www.ogm.gouv.fr/rubrique.php3?id_rubrique=8>  http://www.anses.fr/PN4801.htm  129. - For each application for field trials, a public consultation procedure is initiated via the Internet. The application for authorization, the opinion of the High Council for Biotechnologies and a public information sheet for each trial are uploaded to the following address:  <http://www.ogm.gouv.fr/experimentations/consultation_public/consultation_public.htm>  130. - For each application for placement on the market, a public consultation procedure is conducted at EU level via the Internet. Applications submitted under Regulation (EC) No. 1829/2003 on genetically modified food and feed are subject to public consultation via the web site of the European Food Safety Authority (<http://ec.europa.eu/food/food/biotechnology/gmo_authorisation_en.htm>).  131. - Applications submitted under Directive 2001/18/EC on the deliberate release into the environment of genetically modified organisms are subject to consultations via the web site of the European Commission’s Joint Research Centre (http://gmoinfo.jrc.ec.europa.eu/default.aspx).  132. - Moreover, the High Council for Biotechnologies includes an Economic, Ethics and Social Committee made up of civil society representatives, which draws up recommendations on every application for authorization to deliberately release GMOs into the environment. Its recommendations form the second section of the opinion of the High Council for Biotechnologies that is submitted to the Government and published. Its members have direct access to the applicant’s application and to the opinion of the High Council for Biotechnology’s Scientific Committee for each application. |
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| XVI. Obstacles rencontrés dans l’application de l’article 6 |

XVI. Obstacles encountered in the implementation of article 6

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| 133. - There are criticisms relating to the nature of information made available to the public, which is sometimes too technical, and to the effectiveness of measures for taking into account the outcome of the public participation procedure. Nevertheless, "non-technical summaries" are systematically produced in order to promote the general public's understanding of technical subjects. The environmental authorities are vigilant on this last point and, moreover, it is their opinions that enable the public to identify the issues surrounding projects. |

XVII. Further information on the practical application of the provisions of article 6

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| 134. - Some ten public debates or recommended consultations are organized every year. The cost of a public debate represents, on average, up to 0.1% of the overall cost of the project.  135. - Approximately 10,000 public inquiries are organized each year.  136. - Defence sector activities are not subject to public inquiry as a matter of course (Article L. 123-2 III of the Environmental Code).  137. - Article 3 III (3) of Act No. 2013-1005 of 12 November 2013 enabling the Government to simplify relations between government and citizens provides for "Greater public participation in the preparation of official government documents". |

XVIII. Web site addresses relevant to the implementation of article 6

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| 138. - CNDP (National Commission for Public Debate): [www.debatpublic.fr](http://www.debatpublic.fr/)  - CNCE (National Association of Public Inquiry Commissioners): www.cnce.fr  Sharing best practice on public participation: http://www.participation-locale  Directory of consultations and debates: <http://www.vie-publique.fr/forums/>  Public consultation on environmental issues: [http://www.consultations-publiques.developpement-durable.gouv.fr](http://www.consultations-publiques.developpement-durable.gouv.fr/) |
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XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to article 7

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| 139. - France has transposed Directive 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment and Directive 2003/35/EC of 26 May 2003 *inter alia* into Articles L. 122-4 ff. and R. 122-17 ff. of the Environmental Code. Therefore there is guaranteed public participation in the preparation of plans and programmes that are likely to affect the environment during their implementation.  140. - The preparation of a plan or programme may be subject to public debate if it is of national interest (Article L. 121-10 of the Environmental Code).  141. - As a supplementary provision, Article L. 122-8 of the Environmental Code specifies that where a draft plan subject to environmental assessment does not have to be submitted to public consultation under the legislation that governs it, the entity responsible for drafting must make available to the public, before its adoption, the environmental assessment, the draft document, an indication of the authorities responsible for taking the decision and an indication of bodies from which information on the draft document can be obtained as well as opinions delivered by an administrative authority on the draft document where these are binding. The comments and suggestions collected during the time when documentation is available to the public must be taken into consideration by the authority competent to adopt the plan, scheme or document. |

XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to article 7

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| 142. - The public has the opportunity to participate in the preparation of policies relating to the environment by means of public consultation. For example, the issue of modernizing environmental law has been a subject of consultation, through a questionnaire that the public was invited to complete. In addition, in 2013, there was a major national debate about energy transition (<http://www.transition-energetique.gouv.fr/>).  143. - More broadly, the public has the opportunity to participate in the preparation of policies relating to the environment by means of consultation with representatives of the public concerned within consultative bodies.  144. - Accordingly, Act No. 2012-1460 of 27 December 2012 created the National Council for Ecological Transition (CNTE), chaired by the minister for the environment. This institution is responsible for providing opinions on draft legislation relating to the environment.  145. - The National Council for the Protection of Nature (CNPN), created in 1946, is a consultative administrative committee tasked with providing the minister for the environment with its opinion on the correct ways of preserving and restoring the diversity of wild flora and fauna and of natural habitats (see Articles R. 133-1 ff. of the Environmental Code).  146. - As regards marine environmental policy, several articles of the Environmental Code have introduced procedures for informing and involving the public. These procedures concern the implementation of three new instruments:  - two instruments that relate to the integrated management of the sea and coast: the national strategy for the sea and coast (Article L.219-2 of the Code) and strategy documents for coastlines (Article L.219-3 of the Code);  - one instrument dealing with the protection and conservation of the marine environment, which specifically transposes Article 19 on public consultation and participation of the Marine Strategy Framework Directive No. 2008/56/EC of 17 June 2008. |

XXI. Obstacles encountered in the implementation of article 7

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| 147. - No information was provided under this heading. |

XXII. Further information on the practical application of the provisions of article 7

*Provide further information on the* ***practical application of the provisions on***

***public participation in decisions on specific activities in article 7.***

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| 148. - In numerical terms, the application of the general provisions of article 7 of the Convention mostly concerns projects that come within the remit of spatial planning and development documents. There is genuine public involvement in these throughout their preparation. Article L. 300-2 of the Planning Code provides that these projects "are to be subject to consultation involving, throughout preparation of the project, residents, local associations and other persons concerned" and that the methods used in this consultation "must, for a period of time commensurate with the significance of the project, allow the public to have access to information relating to the project and to opinions required by the applicable laws or regulations and to put forward comments and proposals, which are to be recorded and kept by the competent authority".  149. - An evaluation report on this phase of public involvement is compiled and included among the documents in the file for the public inquiry organized prior to adoption of the spatial planning and development document.  150. - Within the meaning of Article L. 121-10 of the Environmental Code, the ministry responsible for the environment and the minister concerned may jointly request the National Commission for Public Debate "to organize a public debate on general options of national interest in the area of environment, sustainable development or spatial planning. These general options may relate in particular to policies, plans and programmes likely to have a major impact on the environment, sustainable development or spatial planning."  151. - The National Commission is sometimes requested by ministries to provide methodological support. It has hence made recommendations on the organization of two national consultation exercises – one on water and the other on energy. |

XXIII. Website addresses relevant to the implementation of article 7

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| 152. - [www.cndp.fr](http://www.cndp.fr/)  [www.consultations-publiques.developpement-durable.gouv.fr](http://www.consultations-publiques.developpement-durable.gouv.fr/)  modernizing environmental law: <http://www.developpement-durable.gouv.fr/Comment-participer.html> |
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XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to article 8

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| 153. - Several decisions taken by the Constitutional Council within the framework of the procedure for priority preliminary rulings on the issue of constitutionality (Article 61-1 of the Constitution) have declared certain provisions of the Environmental Code to be contrary to Article 7 of the Charter. Also, in order to give Article 7 of the Charter its full effect and to allow a citizen to become usefully and practically involved in a public decision-making process that may affect the environment (among which are decisions falling under article 8 of the Convention) the Act of 27 December 2012 and the Order of 5 August 2013 reformed the inter-institutional mechanism for public participation codified in Articles L. 120-1 to L. 120-2 of the Environmental Code.  154. - The conditions for public participation in the preparation of decisions, other than individual ones, by public authorities are defined in Article L. 120-1 of the Environmental Code. This mechanism applies to regulatory decisions and decisions in specific cases (corresponding to the scope of article 8 of the Convention) made by all public authorities, namely, the State and its public institutions as well as local authorities.  155. - Public participation is organized electronically (over the Internet), making the draft decision available, with an accompanying Note presenting the context and objectives of the draft. The public has a minimum period of 21 days in which to submit comments. In order to allow public comments to be taken into account and to compile a summary of them, the draft decision cannot be adopted until a period minimum period of 4 days has elapsed from closure of the consultation period, except where there are no comments. A summary of public comments is published at the end of the consultation process, as is a separate document indicating the grounds for the decision.  156. - In order to take into account the situation of the smallest local authorities and local authority groupings, they are offered the possibility of using alternative means of participation to electronic ones, such as posters, registers of comments and public meetings. |

XXV. Obstacles encountered in the implementation of article 8

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| 157. - No information was provided under this heading. |

XXVI. Further information on the practical application of the provisions of article 8

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| 158. - Article 3 of Act No. 2012-1460 of 27 December 2012 makes provision for a trial in which the public can participate in certain decisions to which Article L. 120-1 of the Environmental Code applies, under similar conditions to those of an Internet discussion forum. A qualified individual will be designated by the National Commission for Public Debate to summarize proposals. |

XXVII. Website addresses relevant to the implementation of article 8

*Give relevant website addresses, if available:*

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| 159. - Constitutional Council: <http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/page-d-accueil.1.html>  Consultations falling under article 8 of the Convention: <http://www.consultations-publiques.developpement-durable.gouv.fr/> |
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XXVIII. Legislative, regulatory and other measures implementing the provisions on access to justice in article 9

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| **paragraph 1**  160. - In French law, any natural person or legal entity substantiating a legal interest may obtain access to justice. This also covers participation and access to information.  161. - French law distinguishes between judicial procedure, which guarantees access to the courts in the event of difficulties encountered in communicating environmental information, and administrative procedure, which guarantees access to environmental information.  162. - Under Article L. 124-1 of the Environmental Code and Title I of Act No. 78-753 of 17 July 1978, authorities that have environmental responsibilities must, subject to certain reservations, communicate the environmental information they hold to anyone who so requests.  163. - Access to environmental information is free of charge or costs very little.  164. - Article 20 of Act No. 78-753 of 17 July 1978 established the Commission on Access to Administrative Documents to ensure freedom of access to administrative documents, giving it the status of an independent administrative authority charged with ensuring freedom of access to administrative documents. Its independence is guaranteed by the make-up of its membership, which includes figures from the high courts (Council of State, Court of Cassation and Court of Audit), universities and the parliament, as well as qualified public figures and locally elected officials. There are no representatives of the executive branch on the Commission.  165. - There are two distinct ways in which applicants who have been refused information can bring interim proceedings against the refusal:  - s/he can file an interim application for the decision refusing communication of a document to be suspended pursuant to Article L. 521-1 of the Code of Administrative Justice. In this case, the interim application for suspension must be accompanied by an application for the annulment of a decision to refuse communication. For this latter application be admissible, the matter must have been referred to the Commission on Access to Administrative Documents. The applicant has two months to apply to the Commission. The Commission sends an opinion to the competent authority on whether the information requested should be communicated. Within a month of receipt of this opinion, the administration informs the Commission how it intends to follow up the application for communication.  - s/he can file an interim application for access under the so-called “useful measures” proceeding specified under Article L. 521-3 of the Code of Administrative Justice. As this interim application is urgent, there is no need for the Commission to issue an opinion.  166. - In terms of guarantees of access to environmental information, if the competent authority repeats its initial refusal, the applicant may institute administrative proceedings to have the decision annulled on grounds of illegality.  167. - No lawyer is required for proceedings for annulment of an administrative act for illegality in a court of first instance. Applicants whose financial resources fall below certain thresholds may benefit from legal aid under Act No. 91-647 of 10 July 1991, as amended, which guarantees them effective low-cost access to the courts. In addition, the assistance of a lawyer is never mandatory for applications for the enforcement of a final judgment.  168. - While it is mandatory to consult the Commission on Access to Administrative Documents, the written, reasoned opinions of the Commission are not binding on the administration. In practice, the administration complies with opinions from the Commission in 77.8% of cases (annual report, 2012).  169. - As to court decisions, judgments shall be written and reasoned (Article L. 9 of the Code of Administrative Justice) and are enforceable (Article L. 11 of the Code): therefore they are binding on public authorities that hold information.  170. - The constitutional principle of the separation of powers prohibits judges from taking administrative action. However, in two cases the law allows administrative courts to call upon the administration to give effect to a res judicata at the request of the complainant:  - when the res judicata “necessarily entails” adoption of a given implementation measure (Article L. 911-1 of the Code of Administrative Justice);  - when it “necessarily entails” the taking of a decision on completion of a fresh investigation of the case (Article L. 911-2 of the Code of Administrative Justice).  171. - The court may make the deadline for the administration to execute the ruling subject to a fine (Article L. 911-3 of the Code of Administrative Justice). |
| **paragraph 2**  172. - The administrative courts place a liberal interpretation on the applicant’s interest in seeking annulment for illegality. The interest is considered sufficient if the injury suffered is not excessively uncertain or indirect. The Council of State also admits applications lodged on behalf of collective interests (Council of State, 28/12/1906, *Syndicat de patrons-coiffeurs de Limoges*).  173. - The concept of “the public concerned” does not exist in domestic law, which refers to persons having standing to bring an action.  174. - The Environmental Code sets out the right of action of environmental protection associations:  (a) under Article L. 142-1, first paragraph, any environmental protection association may bring proceedings in administrative courts for any complaint relating to its purposes;  (b) under Article L. 142-1, second paragraph, associations recognized in accordance with Article L. 141-1 are granted (presumed) standing in proceedings against any administrative decision which has harmful impacts on the environment;  (c) under Article L. 142-2, associations have the right, in certain conditions, to exercise the same rights as those granted to applicants for criminal indemnification. |
| **paragraph 3**  175. - The criterion applied in domestic law for any remedy is legal standing.  176. - Before the civil courts, it is possible to obtain an interim injunction for preservation or restoration to prevent imminent damage or stop clearly illicit activities. Such injunctions may be ordered subject to a fine in an amount set by the court in the event of a delay in execution.  177. - Outside the jurisdiction of judges for interim applications, an injunction for redress may also be obtained, subject to a fine for non-performance, by filing an application to the competent court.  178. - Furthermore, the recent case law of the Court of Cassation has been favourable to civil action brought by environmental protection associations. The Court has ruled that an environmental protection association may bring a civil action not only before a criminal court, but also before a civil court (Court of Cassation, 7 December 2006). It has also ruled that an association may bring legal action on behalf of collective interests, as long as such interests fall within the scope of its mandate, without reference to any requirement for authorization (Court of Cassation, 5 October 2006).  179. - Article 5 of Institutional Act No. 2011-333 on the Defender of Rights provides that anyone who considers that their rights and freedoms have been injured by the functioning of a State administrative body, of a local authority, of a public institution or of a body responsible for the provision of a public service may apply to the Defender of Rights. When the complaint is deemed to be justified, the Defender of Rights issues any recommendations he or she believes will resolve the matter, in particular recommending to the body in question any solution allowing the claimant’s situation to be settled equitably. Prior to the complaint, the necessary procedures must be carried out with the relevant administrations and the complaint has no effect on deadlines for appeals, including in the competent courts. |
| **paragraph 4**  180. - As a signatory to the European Convention for the Protection of Human Rights and Fundamental Freedoms, France has an obligation to respect Articles 6 and 13 of that Convention, which guarantee the right to a fair trial and an effective remedy.  181. - In addition, court judgments are enforceable under Article L. 11 of the Code of Administrative Justice.  182. - The Code of Administrative Justice contains provision for "relief" procedures.  183. - Firstly, Article L. 521-1 of the Code provides that in urgent cases and where a serious doubt has been established as to the lawfulness of a disputed decision, the urgent applications court can suspend the enforcement of a decision or of some of its effects. A negative decision may be suspended.  184. - Furthermore, Articles L. 554-11 and L. 554-12 of the Code of Administrative Justice provide for two special suspension procedures to protect nature or the environment that obviate the need to demonstrate urgency. The first may be used against project permits wrongly issued without a prior environmental impact assessment. The second allows suspension of a planning decision that is subject to a prior public inquiry but either no inquiry has been held or the inquiry commissioner has issued an unfavourable opinion. Similarly, Article L.123-16 of the Environmental Code provides that an administrative judge must grant an application for the suspension of a decision taken after unfavourable findings by the inquiry commissioner if there is serious doubt as to the legality of this decision.  185. - Secondly, Book IX of the Code of Administrative Justice offers remedies to beneficiaries of court decisions that have become final, enabling them to secure the enforcement of decisions the administration fails to execute within a reasonable time.  186. - Public access to the opinions of the Commission on Access to Administrative Documents and to court decisions is guaranteed by French law. The most significant opinions are accessible on the Internet and are arranged by subject areas, one of which is the environment. Some of the Commission’s opinions are published in the public report that it is required to prepare under Article 16 of Decree No. 2005-1755 of 30 December 2005. This report outlines in particular people’s main difficulties in relation to the various categories of documents or archives.  187. - The public nature of hearings, the public nature of judicial decisions and the free communication of court decisions and orders to anyone on request are guaranteed under Article 6, paragraph 1, of the European Convention for the Protection of Human Rights and Fundamental Freedoms and constitute basic safeguards secured by various provisions of domestic law: justice is done in the name of the French people (Article L. 2 of the Code of Administrative Justice), proceedings take place in public (Article L. 6 of the Code of Administrative Justice), and courts hand down their rulings in public (Article R. 741-1 of the Code of Administrative Justice).  188. - Article 1 of Decree No. 2002-1064 of 7 August 2002 on public dissemination of the law over the Internet stipulates that rulings that constitute national case law, notably those of the Council of State and the Court of Cassation, are to be made available free of charge. The judgments of first instance and appeal courts are sometimes posted online, when they are of particular interest. However, some organizations have expressed dissatisfaction that not all legal rulings are included, and that they are accessible only to members of the courts in question.  189. - While there is specialization in the handling of litigation, it is not institutionalized; a given kind of litigation may in practice be assigned to a certain chamber within a court, and as a result some judges become specialists.  **paragraph 5**  190. - Conditions governing the public provision of information on remedies are set out in Article R. 421-5 of the Code of Administrative Justice, which states that “deadlines for appeals against administrative decisions are enforceable only provided that they are mentioned, together with the remedies available, in the notice of decision”. These provisions were supplemented by Article 1 of Decree No. 2001-492 of 6 June 2001, under which the administration must, when so requested, provide an acknowledgement mentioning the remedies against an implicit refusal and the corresponding deadlines. Furthermore, the Council of State has ruled that the notice of a decision must mention any applicable mandatory prior administrative appeal along with the authority with which it should be lodged (Council of State, 15 November 2006, M. Toquet). This applies to the Commission on Access to Administrative Documents, which must be seized in advance of any legal action relating to a request for information on the environment (arts. 20 and 21 of Act No. 78-753 of 17 July 1978).  191. - France has established a system of assistance designed to eliminate or reduce financial impediments to access to justice: Act No. 91-647 of 10 July 1991, and implementing Decree No. 91-1266 of 19 December 1991, establish legal aid, which comprises two separate legal arrangements, one specifically to help with access to the courts (aide juridictionnelle); and the other to facilitate the provision of legal advice and assistance in non-judicial procedures (aide à l’accès au droit). |

XXIX. Obstacles encountered in the implementation of article 9

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| 192. - Access to justice remains expensive for certain people who do not benefit from legal aid, inter alia in cases involving appeal on a point of law. |

XXX. Further information on the practical application of the provisions of article 9

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| 193. - Regarding public access to environmental information, the following are the figures from the Commission on Access to Administrative Documents on requests for access in respect of town planning and the environment:   | Sectors | 2003 | 2006 | 2009 | 2012 | | --- | --- | --- | --- | --- | | Town planning | 11.7% | 15% | 15.4% | 16.8% | | Environment | 7.6% | 7% | 6.0% | 6.5% |   *Source: Commission on Access to Administrative Documents, annual report, 2012.*  194. - The proportion relating to the Environment sector has not noticeably increased. Two thirds of cases in this sector relate to natural and technological hazards (classified installations, nature protection, risks of pollution and natural hazards).  195. - As to convictions and sentences handed down for damage to the environment (ordinary offences and Class 5 minor offences), National Police Records and "Minos" Information Centre statistics provide the following figures:   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | *Number of convictions for offences of environmental damage* | *2008* | *2009* | *2010* | *2011* | *2012* | | Convictions for ordinary offences and Class 5 minor offences | 7,027 | 6,843 | 6,461 | 6,398 | Not known | | Convictions for Class 1 to Class 4 minor offences | 9,049  (including 4,053 for dumping of waste) | 16,755  (including 12,082 for dumping of waste) | 18,255  (including 13,138 for dumping of waste) | 10,200   (including 4,690 for dumping of waste) | 9,349  (including 4,082 for dumping of waste) | | Total | 16,076 | 23,598 | 24,716 | 16,598 | Not known |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | Total excluding Class 1 to Class 4 minor offences relating to dumping of waste (now covered by a fixed penalty fine) | 12,023 | 11,516 | 11,578 | 11,908 | NC | |

XXXI. Website addresses relevant to the implementation of article 9

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| 196. - Commission on Access to Administrative Documents: [www.cada.fr](http://www.cada.fr/);  Council of State: [www.conseil-etat.fr](http://www.conseil-etat.fr/)  Court of Cassation: [www.courdecassation.fr](http://www.courdecassation.fr/)  Public service (rights and how to protect them): [www.vosdroits.service-public.fr](http://www.vosdroits.service-public.fr)  Ministry of Justice: [www.justice.gouv.fr](http://www.justice.gouv.fr/)  Commission on Access to Administrative Documents: [www.cada.fr](http://www.cada.fr/) |

XXXII. General comments on the Convention's objective

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| 197. - No information was provided under this heading. |

XXXIII. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6 bis and Annex I bis

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| 198. No information was provided in Sections XXXIII to XXXVI: France has not ratified the GMO amendment. The process that should lead to ratification is ongoing. |
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XXXIV. Obstacles encountered in the implementation of article 6 bis and annex I bis

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XXXV. Further information on the practical application of the provisions of article 6 bis and annex I bis

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XXXVI. Website addresses relevant to the implementation of   
article 6 bis

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XXXVII. Follow-up on issues of compliance

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| 199. - None. |