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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 2022: *Turning the tide through environmental
compliance***

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Executive summary

In previous environmental implementation reviews (EIRs), the Commission identified three main challenges for France's implementation of EU environmental policy and law. These three challenges were to:

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

For the **Natura 2000** network, special protection areas (SPAs) still need to be classified. The conservation status of habitats and species of EU interest must also be improved by fully implementing the Natura 2000 network and setting out conservation objectives and respective measures. To protect ecosystems, the regions need to cooperate more so that their different marine strategies are consistent with each other. Protecting species remains a major issue with three infringement procedures currently pending.

Air quality and air pollution in France continue to be a serious cause for concern. Although emissions of many air pollutants and fine particulate matters have been reduced, limit values continue to be exceeded for certain pollutants. France is subject to two ongoing infringement cases on nitrogen dioxide (NO₂) and PM₁₀ and additional efforts are needed to reach the targets set by the new National Emissions Ceilings Directive for 2020-2029. Although the laws to improve air quality are now in place, it will take time for the planned measures to produce tangible results, in particular for ammonia (NH₃). Access to environmental information has been identified as an issue, especially information about major industrial accidents prevention (Seveso installations). On noise pollution, there is an urgent need to finalise action plans for noise management in urban areas and around major roads.

On **water management**, although there has been some progress tackling water pollution and the industrial release of heavy metals, the number of water bodies that have not yet reached good ecological and chemical status is still significant. Nitrates pollution, mainly from agriculture, remains a serious concern to be tackled – there is an ongoing infringement on exceedances of nitrates concentration in drinking water. In addition, France has, over the years, encountered difficulties in fulfilling its obligations under the Urban Waste Water Treatment Directive and is currently subject to an infringement case.

There has been some progress on **waste management**, with an improvement in municipal recycling rates. However, more efforts are necessary to meet with EU recycling targets for 2025 and 2030. Moreover, waste management plans must be put in place that are fully in line with the revised Waste Framework Directive. Adopting adequate implementing legislation is also necessary to ensure the compliance of France's recovery and resilience plan (RRP), which supports measures to accelerate the transition to a **circular economy** (under the framework of the anti-waste and circular economy law).

EU financing continues to substantially support the environmental implementation gap. France is due to receive EUR 39.4 billion from the Recovery and Resilience Facility (RRF) (2021-2026) in grants, out of which 20.2 will serve green transition matters. It will also receive EUR 17.9 billion from the cohesion policy (2021-2027, including JTF), out of which 2.8 billion will serve climate and environment matters. France's overall environmental financing for investments is estimated to have been an annual 0.78% of GDP in 2014-2020 on average. The overall environmental investment needs in 2021-2027 are at least annual 0.82% of France's GDP. This suggests an environmental investment gap of over 0.05% of GDP that should be addressed by focusing on the country's environmental implementation priorities, with the likely need to increase financing for environmental compliance and sustainability.

Part I: Thematic areas

1. Circular economy and waste management

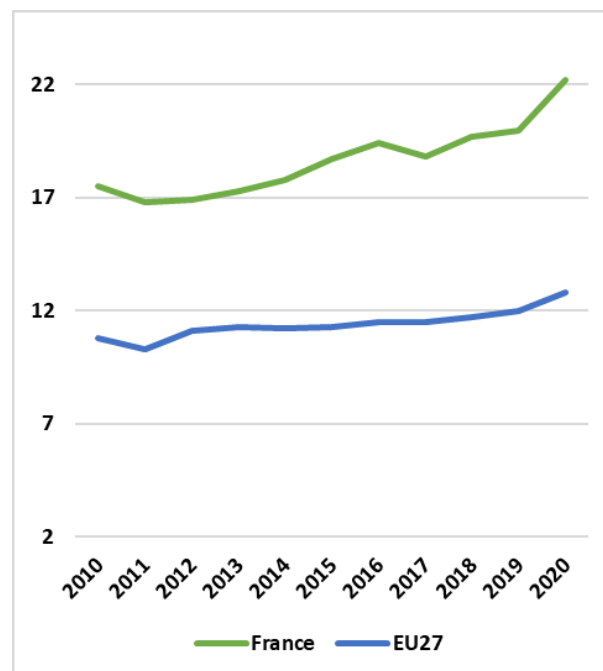
Measures towards a circular economy

The new Circular Economy Action Plan adopted in March 2020 is one of the main building blocks of the European Green Deal. The EU's transition to a circular economy will reduce pressure on natural resources and will create sustainable growth and jobs. It is also a prerequisite to achieve the EU's 2050 climate neutrality target and to halt biodiversity loss. The Action Plan announces initiatives along the entire life cycle of products, aiming to reduce the EU's consumption footprint and to double the EU's circular material use rate by 2030. It targets how products are designed, promotes circular economy processes, encourages sustainable consumption, and aims to ensure that waste is prevented and the resources used are kept in the EU economy for as long as possible.

The circular material use-rate is a good indicator of an economy's circularity, as it includes all the materials that are fed back into our economy. Large differences in the circularity rate exist between countries. To help achieve the goal in the EU circular economy action plan of doubling the EU's circular material use-rate by 2030, ambitious measures targeting the whole product life cycle are needed at Member State level. Such measures range from sustainable product design that makes it possible to increase the durability, reparability, upgradability and recyclability of products, to other measures like: (i) 'remanufacturing'¹; (ii) increasing circularity in production processes; (iii) recycling; (iv) boosting eco-innovation; and (v) increasing the uptake of green public procurement.

France's circular (secondary) use of material rose to 22.2% in 2020 compared to 17.8% in 2014. It constantly remained above the EU average of 11.2% in 2014 and 12.8% in 2020. France is increasing its use of this material faster than the EU average – the gap widened between France and the EU average between 2010 and 2020.

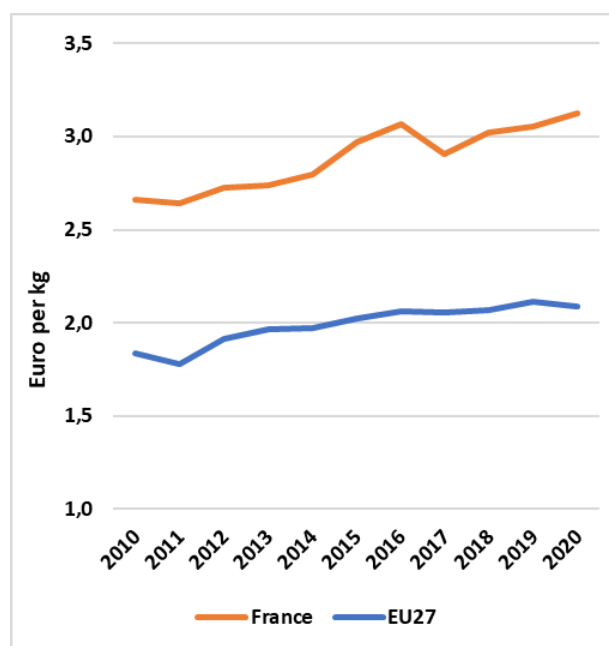
Figure 1: Circular material use rate (%), 2010-2020²



Resource productivity expresses how efficiently the economy uses material resources to produce wealth. Improving resource productivity can help to minimise negative impacts on the environment and reduce dependency on volatile raw material markets. As shown in Figure 2, with EUR 3.13 generated per kg of material consumed in 2020, resource productivity in France is well above the EU average of EUR 2.09 per kg. This positive performance is further supported by a continuous increase in France's resource productivity over the last decade.

¹ A standardised industrial process that takes place within industrial or factory settings, in which cores are restored to original as-new condition and performance or better.

² Eurostat, [Circular Economy Monitoring Framework](#).

Figure 2: Resource productivity 2010-2020³

Circular economy strategies

The Commission encourages Member States to adopt and implement national/regional circular economy strategies covering the whole life cycle of products. This is because such strategies are one of the most effective ways to progress towards a more circular economy. Since the launch of the European Circular Economy Stakeholder Platform in 2017, national, regional and local authorities have used the platform to share their strategies and roadmaps and presented best practices on recycling of primary and/or secondary raw materials⁴.

At national level, France has set a timeline and objectives in its roadmap for the circular economy⁵. To fulfil the vision set out in the roadmap, France adopted the first ever law against waste and for the circular economy in 2020 ('AGEC law' - Loi n° 2020-105)⁶. With this law, France has put in place rules on planned obsolescence, product durability (including a reparability index), extending producers' responsibility, and measures on single-use plastics and the destruction of unsold food and non-food products. The law is organised around five objectives: (i) phasing out single-use plastics; (ii) improving information to consumers; (iii) promoting reuse and combatting waste; (iv) fighting planned obsolescence; and (v) improving circular

production and products. Many implementing measures (décrets) have already been adopted, and others are still in preparation.

France does not have specific sectoral strategies on textiles, plastics, and construction. However, the AGECE Law directly targets these sectors with clear objectives and concrete measures. These include achieving zero disposable plastics by 2040, creating an extended producer responsibility scheme for the building sector and planning the gradual setting up of mandatory product environmental labelling, notably in the textile sector.

France plans reforms under Component 2 (ecology and biodiversity) of its RRP. The country proposes to publish decrees to implement the law on circular economy. These measures will: (i) extend the producer responsibility scheme for construction and public works material waste; (ii) set minimum rates of recycled material that must be used in production; and (iii) set a proportional amount of reusable packaging that has to be placed on the market⁷.

Overall, France is advancing on implementing the AGECE Law, which can be considered a good practice in terms of innovative legislation.

Eco-innovation

A successful transition to a circular economy requires social and technological innovation. This is because the full potential of the circular economy can only be reached when it is implemented across all value chains. Eco-innovation is an important enabling factor for the circular economy. New approaches to product design and new business models can help produce systemic circularity innovations, creating new business opportunities.

France ranked seventh in the list of EU countries, with a total score of 127 in the 2021 Eco-Innovation Scoreboard, and it performs as an eco-innovation leader. The country performs above the EU average in three of the five components of the 2021 Eco-Innovation Index, except for eco-innovation outputs and socio-economic outcomes.

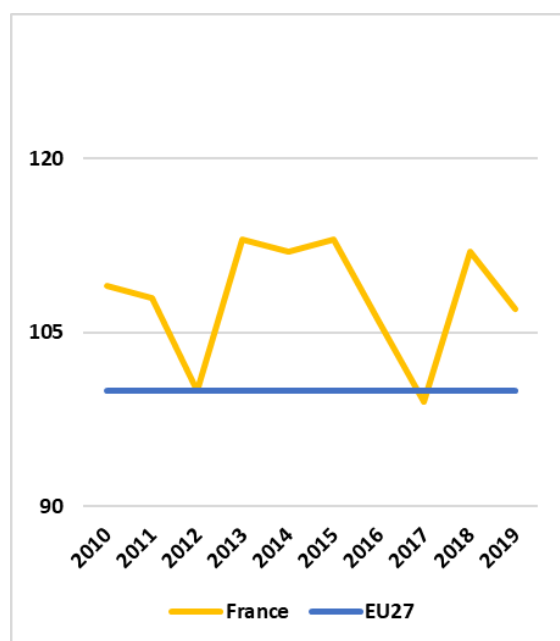
³ Eurostat, [Resource productivity](#).

⁴ [Good Practices | European Circular Economy Stakeholder Platform \(europa.eu\)](#).

⁵ France Ministry of Ecological Transition, Roadmap for the Circular Economy, April 2018 - [FRECE anglais.pdf \(ecologie.gouv.fr\)](#).

⁶ [AGECE Law, October 2019 \(ecologie.gouv.fr\)](#).

⁷ Commission staff working document, *Analysis of the recovery and resilience plan of France Accompanying the document Proposal for a Council implementing decision on the approval of the assessment of the recovery and resilience plan for France* (COM(2021) 351 final), p. 30.

Figure 3: Eco-innovation performance⁸

Green public procurement

Green public procurement can help drive the demand for sustainable products. The national action plan for sustainable public procurement, called France's green public procurement strategy for 2015-2020, was adopted and published in March 2015. It aims to increase the extent to which social and environmental criteria are taken into consideration in public procurement. In addition, the plan aims at integrating the United Nations' (UN) Sustainable Development Goals thus giving it an international dimension⁹. Several French sectoral laws also set green public procurement obligations, in particular promoting the use of reused and recycled materials, avoiding the use of single-use plastic items and considering deforestation risks¹⁰.

EU Ecolabel and the EU eco-management and audit scheme (EMAS)

The number of EU Ecolabel products and EMAS-licensed¹¹ organisations in a given country provides

some indication of the extent to which the private sector and stakeholders in that country are actively engaged in the transition to a circular economy. It also shows how committed public authorities are to supporting instruments designed to promote the circular economy.

As of September 2021, France had 8 347 products registered in the EU Ecolabel scheme (out of 83 590 in the EU). This makes France the country with the third highest number of products after Spain and Italy. France had registered 327 licences out of a total of 2 057 in the EU. The trend for products is very positive (having increased from 4 971 products in 2018), but the number of licences has fallen (compared to the 518 licences registered in September 2018)¹².

As of October 2021, France had 30 organisations registered in EMAS¹³, a further decrease from the low number in 20180.

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;
- (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 waste¹⁴, for which EU law sets mandatory recycling targets.

Preventing products and materials from becoming waste for as long as possible is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste. Waste prevention and reuse are the most preferred options and are therefore at the top of the 'waste hierarchy'. The amount of municipal waste generated is a good indicator of the effectiveness of waste prevention measures.

⁸ European Commission - Directorate-General for Environment (DG ENV), Eco-innovation Observatory, [Eco-innovation index](#).

⁹ [Plan national d'action pour les achats publics durables 2015-2020 \(ecologie.gouv.fr\)](#).

¹⁰ A public stakeholder consultation took place between 15 June 2021 and 6 July 2021 : [Plan national pour des achats durables 2021 - 2025 - Consultations publiques \(developpement-durable.gouv.fr\)](#).

¹¹ EMAS is the Commission's eco-management and audit scheme, a programme that encourages organisations to behave in a more

environmentally sustainable way. [EMAS – Environment - European Commission \(europa.eu\)](#).

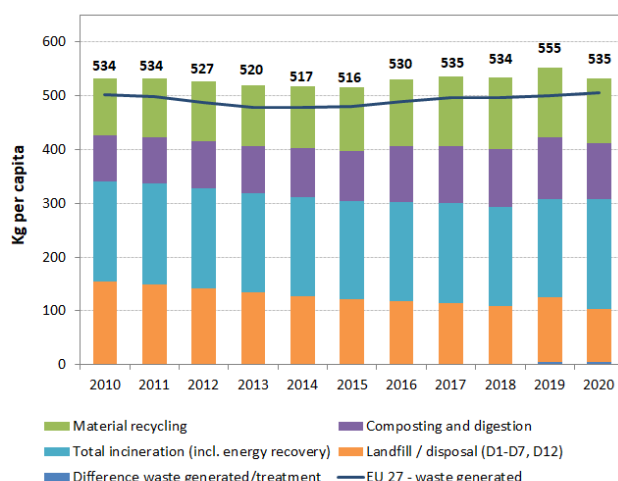
¹² European Commission, [Ecolabel Facts and Figures](#).

¹³ [Eco-management and audit scheme](#), European Commission, June 2021.

¹⁴ Municipal waste consists of mixed waste and separately collected waste from households and from other sources, where such waste is similar in nature and composition to waste from households. This does not affect the allocation of responsibilities for waste management between the public and private sectors.

Municipal waste generation in France decreased between 2010 and 2014 and started increasing again from 2015 until 2020 (see Figure 4). Given that France's economic growth (GDP) continuously grew between 2014 and 2018, municipal waste generation was coupled to economic growth from 2014 onwards.

Figure 4: Municipal waste by treatment in France, 2010-2020¹⁵



After a downward trend, municipal waste¹⁶ generation in France has started to increase again in recent years. It rose to 555 kg per capita in 2019, but decreased to 535 kg per capita in 2020. The recent increase from 2015 can be attributed to an increase in the population and in household spending. Overall, the average annual municipal waste generation of 535 kg per capita is above the EU average of 505 kg per capita.

The AGEC Law as of 10 February 2020 sets the following waste prevention targets:

- reduce household and similar waste produced per person by 15% in 2030 compared to 2010;
- reduce the amount of waste produced by economic activities per unit of value (in particular from the building and public works sector) by 5% in 2030 compared to 2010;
- reuse and recycle the equivalent of 5% of household waste tonnage in 2030;
- achieve a share of reused packaging placed on the market of 5% in 2023 and 10% in 2027;

¹⁵ Eurostat, Municipal waste by waste operation, april 2022.

¹⁶ Municipal waste consists of (a) mixed waste and separately collected waste from households, including paper and cardboard, glass, metals, plastics, bio-waste, wood, textiles, packaging, electrical waste and electronic equipment, waste batteries and accumulators, and bulky waste, including mattresses and furniture; and (b) mixed

- reduce food waste in food distribution and catering by 50% by 2025 compared to 2015, and reduce it in consumption, production, processing and catering by 50% by 2030 compared to 2015.
- end the marketing of single-use plastic packaging by 2040.

As shown in Figure 4, municipal waste by treatment (measured in kilos per person) has an increasing share of material recycling over time and a decreasing share of landfill/disposal. Managing waste efficiently remains a major challenge for France.

France has made some progress over the past decade in improving its recycling rate and diverting municipal waste from landfill. The recycling rate for municipal waste in 2020 was 42%, a slight decrease from 44.1% in 2017. The recycling rate stands below the EU average of 48.1%.

Figure 5: Recycling rate of municipal waste, 2010-2020¹⁷

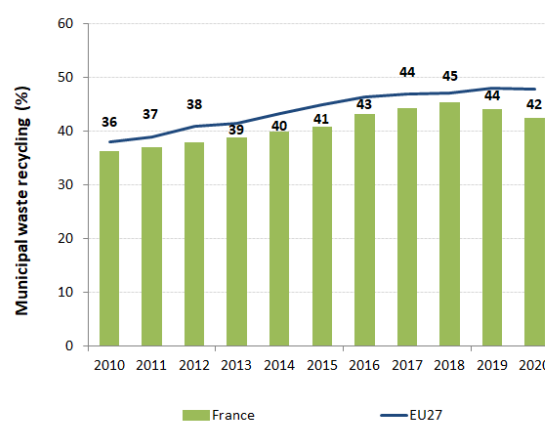


Figure 5 shows that France may need to step up investment in recycling to meet the EU 2020 and 2025 recycling targets.

The Commission is currently finalising its analysis of the progress on the recommendations from the 2018 Early Warning reports, as well as progress in achieving the 2020 and 2025 municipal waste recycling targets of 50% and 55% respectively. This report will be presented at the end of 2022. The Commission's 2018 Early Warning

waste and waste collected separately from other sources, where such waste is similar in nature and composition to households waste. ([Directive 2008/98/EC](#), Art. 3(2)(b)).

¹⁷ Eurostat, [Recycling rate of municipal waste](#), april 2022.

report did not list France as one of the countries at risk of missing the EU 2020 target of recycling¹⁸.

Implementation of the 2018 waste legislative package

By 5 July 2020, Member States had to bring their national laws in line with amendments included in the revised Waste Framework Directive, the Packaging and Packaging Waste Directive and the Landfill Directive¹⁹.

In July 2021, France had still not done this for any of the waste laws, and so the Commission sent a formal request to France to fully turn the updated EU waste rules into national legislation. France has, in the meantime, notified the Commission that it has turned the waste package into national law. A conformity assessment is now ongoing.

Waste management plans and waste prevention programmes are critical for a sound implementation of EU waste legislation. They set out key rules and investment to ensure compliance with existing and new legal requirements (e.g. waste prevention, separate collection for specific types of waste, recycling and landfill targets).

Four regions have not submitted their revised waste management plans / waste prevention programmes²⁰. The other regions submitted the revised plans and programmes, but gaps remain. An infringement procedure addressing this gap is pending, and the Commission is closely monitoring the adoption of the missing regional plans.

According to the Ministry of Ecological Transition, France produces 10 million tonnes of food waste per year, equivalent to 30 kg per person. A French study shows that most food waste is thrown away by consumers (33%), followed by food producers (32%), processors (21%) and retailers (14%)²¹.

The second National Pact to Combat Food Waste (2017) covers 2017-2020²². Its main objective is to improve the food waste measures of the national food programme and the national waste prevention programme initially planned for 2019-2023²³. It brings together stakeholders from across the food production chain and aims to reduce food waste by 50% by 2025²⁴.

Given the limited progress since the 2019 EIR, and in light of the 2022 Early Warning Report, the priority actions are proposed again.

2022 priority actions

- Improve and extend separate collection of waste. Set minimum service standards for separate collection in municipalities (e.g. frequency of collection, types of containers) to ensure high recyclable waste capture rates. Use economic incentives and disincentives such as 'pay-as-you-throw'.
- Ensure waste management plans are in place and are in line with the revised Waste Framework Directive.

¹⁸ Report on the implementation of EU waste legislation, including the early warning report for Member States at risk of missing the 2020 preparation for re-use/recycling target on municipal waste, COM(2018) 656 final, [EUR-Lex - 52018DC0656 - EN - EUR-Lex \(europa.eu\)](#).

¹⁹ [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.

²⁰ Corsica, Guyanne, Mayotte and La Reunion.

²¹ [European Food Loss and Waste Prevention Hub \(europa.eu\)](#)

²² An assessment of the 2017-2020 National Pact is available in French : <https://agriculture.gouv.fr/pacte-national-de-lutte-contre-le-gaspillage-alimentaire-les-partenaires-sengagent>.

²³ [Programme national pour l'alimentation 2019-2023 : territoires en action | Ministère de l'Agriculture et de l'Alimentation](#)

²⁴ Ministry of Ecological Transition, available in French : [Gaspillage alimentaire | Ministère de la Transition écologique \(ecologie.gouv.fr\)](#).

2. Biodiversity and natural capital

The 2030 EU biodiversity strategy adopted in May 2020 aims to put the EU's biodiversity on a path to recovery and sets out new targets and governance mechanisms to achieve healthy and resilient ecosystems.

In particular, the strategy sets out ambitious targets to:

(i) protect a minimum of 30% of the EU's land area and 30% of its sea area and integrate ecological corridors, as part of a true trans-European nature network;

(ii) strictly protect at least a third of the EU's protected areas, including all remaining EU primary and old-growth forests;

(iii) effectively manage all protected areas, defining clear conservation objectives and measures, and monitoring them appropriately.

The strategy also sets out an EU nature restoration plan – a series of concrete commitments and actions to restore degraded ecosystems across the EU by 2030, and manage them sustainably, addressing the key drivers of biodiversity loss.

France has just launched a consultation on its third national biodiversity strategy. On 19 November 2021, France adopted a national strategy for marine and land protected areas, which aims to protect 30% of the national territory from 2022, 33% of which under strong protection.

Nature protection and restoration

The EU's Birds and Habitats Directives are key legislative tools to deliver on the targets in the EU's biodiversity strategy for 2030 and are the cornerstone of European legislation aimed at conserving the EU's wildlife, natural habitats and ecosystems²⁵.

Natura 2000²⁶, the largest coordinated network of protected areas in the world, is the key instrument to achieve the objectives in the Birds and Habitats Directives. These objectives are: (i) to ensure the long-

term protection, conservation and survival of Europe's most valuable and threatened species and habitats; and (ii) to maintain or restore the favourable conservation status of these species and habitats. Key milestones towards meeting the objectives of the Birds and Habitats Directives are: (i) the setting up of a coherent Natura 2000 network; (ii) the designation of sites of community importance (SCIs) as special areas of conservation (SACs)²⁷; and (iii) the setting of site-specific conservation objectives and measures for all Natura 2000 sites.

Setting up a coherent network of Natura 2000 sites

France hosts 130 habitat types²⁸ and 291 species²⁹ covered under the Habitats Directive. The country also hosts populations of 145 bird taxa listed in the Birds Directive Annex I³⁰.

By 2021, 12.9% of the national land area of France was covered by Natura 2000 (EU-27 average: 18.5%). SPAs classified under the Birds Directive were covering 8% (EU-27 average: 12.8%), and SCIs under the Habitats Directive were covering 8.9% (EU average: 14.2%) of French territory.

The assessment of the SPAs shows insufficiencies for migratory birds (e.g. turtle dove) and in marine coastal areas. Therefore, France has still to complete its Natura 2000 network, in particular the marine network. A dialogue on assessing gaps is ongoing with France.

France legally protects 27.6% of its terrestrial areas (EU-27 average: 26.4%) and 37.7 % of marine areas (EU-27 average: 10.7%)³¹ – this includes Natura 2000 and other nationally designated protected areas. France strictly protects 1.5% of the EU's protected areas, as classified under the International Union for Conservation of Nature (categories 1A and 1B).

²⁵ These should be strengthened by the Nature Restoration Law, according to the new EU biodiversity strategy.

²⁶ Natura 2000 comprises sites of community importance (SCIs) designated under the Habitats Directive as well as special protection areas (SPAs) classified under the Birds Directive. Figures of coverage and no-coverage do not add up to 100% due to the fact that some SCIs and SPAs overlap. Special Areas of Conservation (SACs) are SCIs designated by Member States.

²⁷ SCIs are designated under the Habitats Directive whereas SPAs are designated under the Birds Directive. Figures of coverage and non-coverage do not add up to 100% due to the fact that some SCIs and SPAs overlap. Special areas of conservation (SACs) are SCIs designated by Member States.

²⁸ European Environment Agency, [Article 17 dashboard, Annex I total, 2019](#).

²⁹ European Environment Agency, [Article 17 dashboard, Annex II + Annex IV excluding those in Annex II + Annex V excluding those in Annex II, 2019. This counting only takes into account species and habitats for which assessment of conservation status was requested](#).

³⁰ European Environment Agency, [Article 12 dashboard, Annex I, 2020. This counting only takes into account birds taxa for which information was requested](#).

³¹ European Environment Agency, [Protected areas](#), terrestrial protected area percentage (2021) and marine protected area percentage (2019), March 2022.

Figure 6: Marine and terrestrial protected area coverage, 2021³²

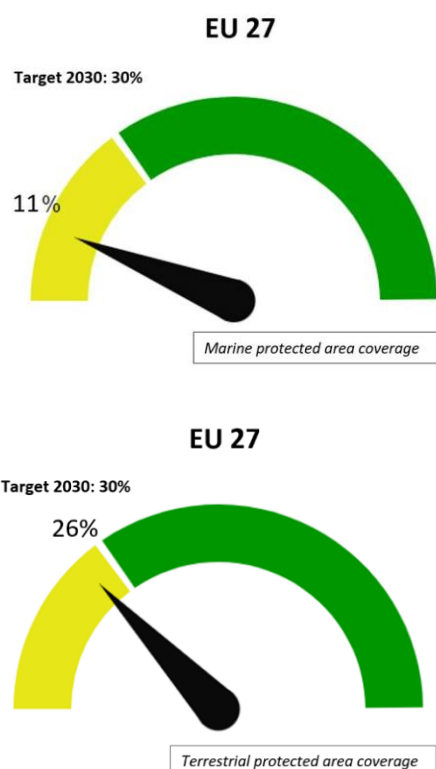
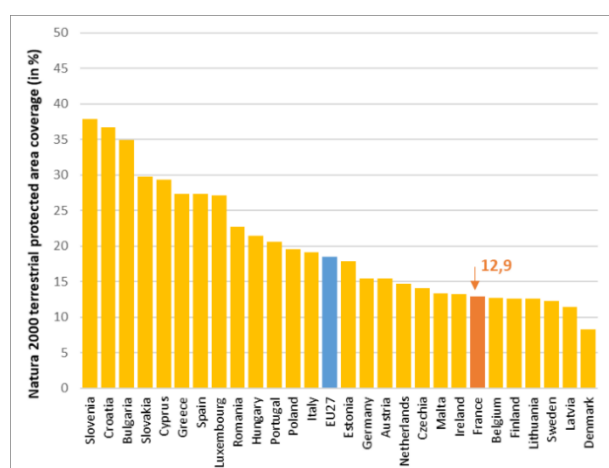


Figure 7: Nature 2000 terrestrial protected area coverage, 2021³³



Designating special areas of conservation (SACs) and setting conservation objectives and measures

Only 21 SCIs out of 1 377 have not yet been designated as SACs. Site-specific conservation objectives have been set for 1 176 SCIs and set out in comprehensive management plans for 1 292 SCIs.

The French implementation of Natura 2000 has the following strengths: (i) the network of facilitators; (ii) the high number of sites with management plans; (iii) the way the effectiveness of the network is assessed; (iv) financing efforts; (v) the bottom-up approach; (vi) the involvement of local authorities and representatives of different interest groups; (vii) the stability and expertise of the different bodies working on biodiversity, and who are based around the sites themselves. However, it still faces the following gaps: (i) the lack of diversification of funding sources; (ii) the under use of the LIFE programme; (iii) no management at sea; (iv) Natura 2000 is not as visible as French protection policy tools; and (v) there is not enough ecological connection between the sites.

France also does not do enough to prevent damage caused by agricultural, forestry and fishing practices (Article 6(2) of the Habitats Directive). An infringement case is open because there are no measures to prevent by-catch of marine species in Natura 2000 sites (unwanted fish and other marine creatures trapped by commercial fishing nets when fishing for a different species). The quality of the objectives and measures for sites is not always sufficient, and they are not always tailored to the ecological needs of the designated habitats and species – this creates uncertainties when evaluating plans and projects (under Article 6(3)).

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

To measure the performance of Member States, Article 17 of the Habitats Directive and Article 12 of the Birds Directive require reporting on the progress made towards maintaining or restoring the favourable conservation status of species and habitats³⁴.

According to the report submitted by France on the conservation status of habitats and species covered by Article 17 of the Habitats Directive, between 2013 and 2018, the share of habitats and species in good conservation status was 20.2% and 28.06% respectively. This is slightly less than in the previous reporting period

³² [EU Biodiversity Strategy Dashboard](#), indicators A1.1.1 and A1.2.1, February 2022.

³³ European Environment Agency, [Natura 2000 Barometer](#), February 2022.

³⁴ [Conservation status and trends of habitats and species — European Environment Agency \(europa.eu\)](#).

(2007-2012) when the share was 22.56% and 29.83%. While 17% of French forest area is protected under the EU nature directives, less than 18% of forest habitats types have a favourable conservation status³⁵. On birds, 43% of breeding species showed a short-term increase in their numbers or had a stable population (this was 67% for wintering species).

At the same time, the share of habitats in bad conservation status had slightly decreased to 34 % and the share of assessed species in bad conservation status had slightly increased to 25%. The main pressure comes from agriculture, forestry, and the development, construction and use of infrastructure.

Figure 8: Assessments on conservation status for habitats for the 2007-2012 and 2013-2018 reporting periods³⁶

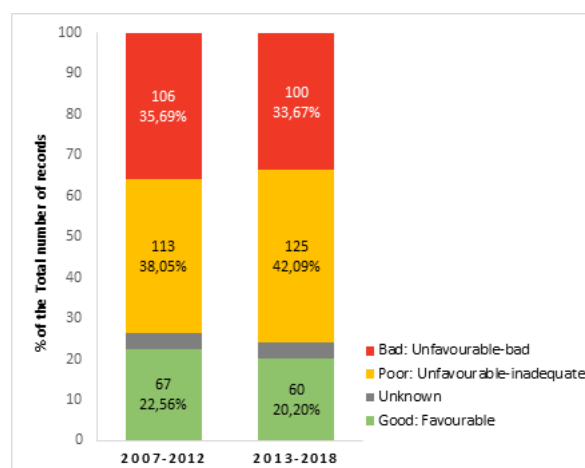
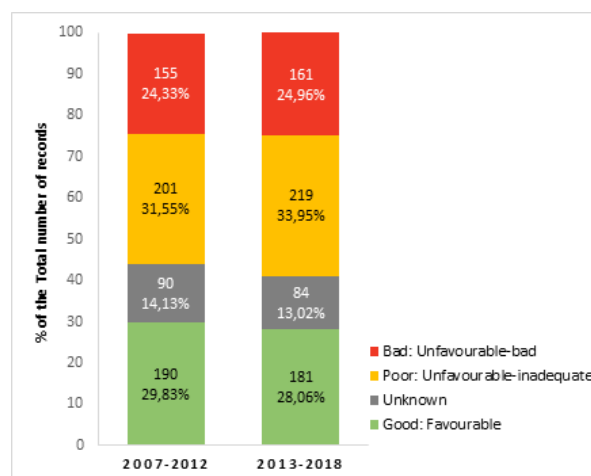


Figure 9: Assessments on conservation status for species for the 2007-2012 and 2013-2018 reporting periods³⁷



As the results of the biogeographical assessment show (in Figures 8 and 9), there is no evidence that species and habitats conservation status is improving.

Species protection

France can do more for species protection. For example, the country has not taken the necessary steps to preserve, maintain and re-establish habitats with enough diversity and area for turtle doves, as required under the Birds Directive. Furthermore, despite the size of the turtle dove breeding population, no protected areas (SPAs) had been designated within the Natura 2000 network and no specific measures have been taken to conserve this species. Lastly, hunting of turtle dove does not comply with the 'wise use' principle for the species, because hunting is not sufficiently monitored and hunting quotas are authorised at unsustainable levels. As a result, the Commission has launched an infringement procedure, which is still at the reasoned opinion stage.

France has started adaptive harvest management for four huntable bird species, but there are still 20 hunted species in bad conservation status. France has also authorised several methods to capture birds (such as glue for thrushes and nets and traps for skylarks and pigeons), that are not selective and are forbidden under the Birds Directive. Furthermore, hunting Greylag geese (*Anser anser*) after they have started migrating to

³⁵ European Environment Agency, *State of Nature in the EU: Results from reporting under the nature directives 2013-2018*, 2021.

³⁶ European Environment Agency, [Conservation status and trends of habitats and species](#), December 2021. Please note when comparing the figures shown for 2007-2012 and 2013-2018 that these differences may also be affected by changes of methods or better data availability.

³⁷ [Conservation status and trends of habitats and species — European Environment Agency \(europa.eu\)](#).

breeding grounds is widespread and authorised. This practice, which is prohibited under the Birds Directive, is a cause of concern. The Commission sent a request for further information in July 2019, but France has not taken the action required to make these hunting and capture practices comply with EU law. As a result, the Commission formally requested France to stop illegal hunting and review capture methods for birds³⁸.

France has also been urged to take measures to reduce by-catch. An infringement procedure was launched in July 2020 for failing to adopt and implement the measures needed to protect cetaceans and seabirds within and outside designated Natura 2000 areas, as well as to limit incidental catches. This breaches several of the Birds and Habitats Directives' rules on managing sites and protecting species. In addition, France has not taken action on acoustic devices that deter certain creatures from approaching fishing vessels.

Managing large carnivores, in particular wolves and brown bears, remains a sensitive point. Action is needed as their numbers are stabilising or increasing, resulting in renewed controversy in some parts of the country.

Species are also under pressure from agricultural and forest practices.

Bringing nature back to agricultural land and restoring soil ecosystems

Agricultural land

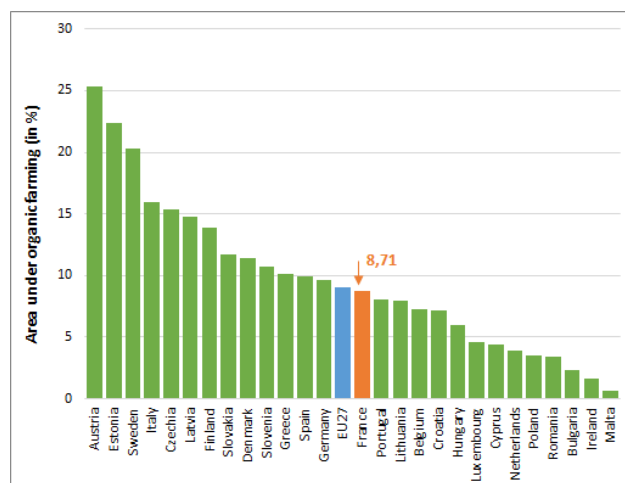
The biodiversity strategy works alongside the new farm to fork strategy and the new common agricultural policy (CAP) to support and achieve the transition to fully sustainable agriculture.

The biodiversity and farm to fork strategies have set four important targets for 2030:

- a 50% reduction in the overall use of – and risk from – chemical pesticides;
- a 50% reduction in the use of more hazardous pesticides;
- a 50% reduction in losses of nutrients from fertilisers while ensuring there is no deterioration of soil fertility (which will result in a 20% reduction in the use of fertilisers);
- bring back at least 10% of agricultural area under high-diversity landscape features and increase areas under organic farming to at least 25%.

As shown in Figure 10 France has an estimated 8.71% of land under organic farming, which is slightly below the EU average of 9.07%³⁹.

Figure 10: Share of total utilised agricultural area occupied by organic farming per Member State, 2020⁴⁰



Following its analysis of France's CAP strategic plan⁴¹, the Commission made the following recommendations:

- promote the development of a smart, resilient and diversified agricultural sector, ensuring food security;
- strengthen environmental protection and climate action, and contribute to the eu's climate and environmental objectives;
- strengthen the socio-economic dimension of rural areas, and respond to societal concerns;
- boost knowledge, innovation and digitalisation in agriculture and rural areas.

The Commission also invited France to allocate national targets specific to the Green Deal⁴² objectives in its CAP strategic plan that take the country's specific situation and the recommendations above into account. This is also included in the farm to fork strategy.

The farmland bird index⁴³ has declined from 76.4 in 2013 to 63.8 in 2018.

Soil protection

Soil is a finite and extremely fragile resource. It is increasingly degrading in the EU.

The new EU soil strategy, adopted on

³⁸ [July infringements package: key decisions \(europa.eu\)](#).

³⁹ [Statistics | Eurostat \(europa.eu\)](#)

⁴⁰ Eurostat, [Area under organic farming](#), online data code: SDG_02_40, February 2022.

⁴¹ [SWD \(2020\) 379 final - available in French](#).

⁴² These objectives relate to the use of pesticides and the risks associated with them, the sale of antimicrobials, nutrient losses, the

area devoted to organic farming, high-diversity topographical features, and the access to high-speed internet.

⁴³ Farmland bird index - [FBI | Eurostat \(europa.eu\)](#).

17 November 2021, stresses the importance of soil protection, of sustainable soil management and of restoring degraded soils to achieve the Green Deal objectives as well as land-degradation neutrality by 2030. This entails:

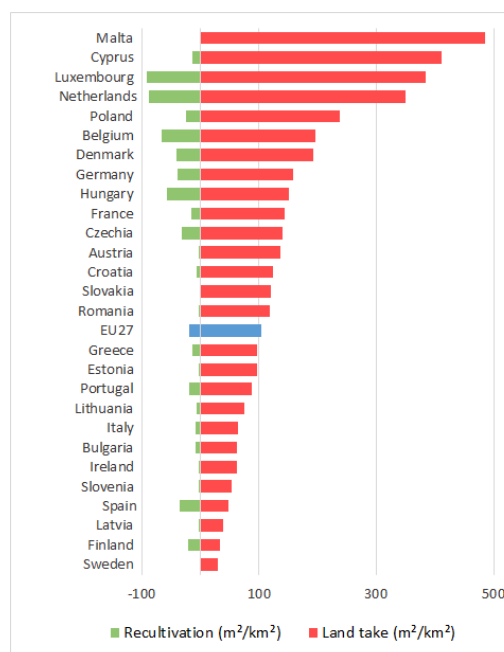
- (i) preventing further soil degradation;
- (ii) making sustainable soil management the new normal;
- (iii) taking action for ecosystem restoration.

One factor in the degradation of soil ecosystems is the area of soil that is sealed or artificialised⁴⁴. The land taken⁴⁵ per year in 2012-2018 can be seen as a measure of one significant pressure on nature and biodiversity – land use change. At the same time, land use change constitutes an environmental pressure on people living in urbanised areas.

Despite a reduction in the last decade (land take was over 1000 km²/year in the EU-28 between 2000 and 2006), land take in the EU-28 still amounted to 539 km²/year in 2012-2018. The concept of ‘net land take’ combines land take with the return of land to non-artificial land categories (re-cultivation). While some land was re-cultivated in the EU-28 in 2000-2018, 11 times more land was taken than returned.

In 2012-2018, France ranked above the EU average with a net land take of 143.6 m²/km² (EU-27 average: 83.8 m²/km²)⁴⁶.

Figure 11: Land take and re-cultivation in EU27 (m²/km²), 2012-2018⁴⁷



However, France has not yet committed to set land degradation neutrality targets under the UN Convention to Combat Desertification (UNCCD)⁴⁸.

Forests and timber

The EU forest strategy for 2030, adopted in July 2021, is part of the ‘Fit for 55’ package. The strategy promotes the many services that forests provide. Its key objective is to ensure healthy, diverse and resilient EU forests that contribute significantly to the strengthened biodiversity and climate ambitions. Forests are important carbon sinks and conserving them is vital if the EU is to achieve climate neutrality by 2050.

Out of the 27% of EU forest area protected under the Habitats Directive, less than 15% of the assessments show a favourable conservation status⁴⁹. The share of forested areas in the EU with a bad conservation status increased from 27% in 2015 to 31% in 2018.

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 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 ‘Land taken’ means land that is sealed or artificialized.

⁴⁶ [Land take in Europe — European Environment Agency \(europa.eu\)](#) Figure 6.

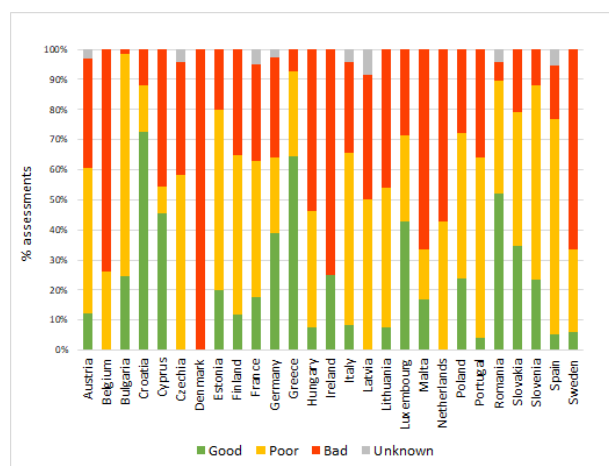
⁴⁷ European Environment Agency, [Land take in Europe](#), December 2021.

⁴⁸ United Nations Convention to Combat Desertification includes the land degradation neutrality (LDN) target, See: [The LDN Target Setting Programme | UNCCD](#).

⁴⁹ European Environment Agency, [State of Nature in the EU](#).

In France, forests cover 28.23% of the country⁵⁰ and more than 75% of the assessments reveal a bad to poor conservation status⁵¹.

Figure 12: Conservation status of forests protected under the Habitats Directive in the EU-27, 2013-2018⁵²



The European Union Timber Regulation (EUTR)⁵³ prohibits the placing on the EU market of illegally harvested timber. In line with the EUTR, Member States' competent authorities must conduct regular checks on operators and traders, and apply penalties for non-compliance. With the amendment of Article 20 of the EUTR, reporting every 2 years has been changed to annual reporting and covers the calendar year as of 2019.

From March 2017 to February 2019, France carried out 30 checks on domestic timber operators⁵⁴. It also carried out 73 checks on operators importing timber. Over the reporting period, it is estimated that France had 5 000 operators placing domestic timber types on the single market, and 14 000 operators placing imported timber types on the single market.

A proposal for the Regulation on the making available on the EU market and export of products associated with deforestation and forest degradation (Deforestation Regulation) was adopted on 17 November 2021. This followed a request from the Council in 2019 to table a legislative proposal to address the problem and a European Parliament resolution recommending the

Commission to come forward with legislation to halt and reverse EU-driven global deforestation^{55 56}. The new Deforestation Regulation will repeal and replace the EUTR, and it will essentially integrate and improve the existing system to check the legality of timber.

Invasive alien species (IAS)

IAS are a key cause of biodiversity loss in the EU (alongside changes in land and sea use, overexploitation, climate change and pollution).

Besides inflicting major damage on nature and the economy, many IAS also facilitate the outbreak and spread of infectious diseases, posing a threat to humans and wildlife.

The implementation of the EU Invasive Alien Species Regulation and other relevant legislation must be stepped up.

The biodiversity strategy for 2030 aims to manage recognised invasive alien species and decrease the number of 'red list' species they threaten by 5050%.

The core of Regulation (EU) 1143/2014 on IAS⁵⁷ (the IAS Regulation) is the list of IAS of Union concern.

The total number of IAS of Union concern is currently 66, of which: 30 are animal species; 36 are plant species; 41 are primarily terrestrial species; 23 are primarily freshwater species; 1 is a brackish-water species; and 1 is a marine species.

According to a 2021 review⁵⁸ of the application of the IAS Regulation, implementation of the Regulation is already starting to deliver on its objectives. These objectives include a consistent framework for addressing IAS at EU level and increased awareness of the IAS problem. At the same time, the review identified some challenges and areas for improvement. Given that the deadlines for implementing the different rules of the IAS Regulation were between July 2016 and July 2019, it is too early to draw conclusions on many aspects of the Regulation's implementation.

The review also shows that of the 66 species on the EU list, 44 have been observed in the environment in France. The geographical spread can be seen in Figure 13.

⁵⁰ European Environment Agency, [Forest information system for Europe](#).

⁵¹ [COM SWD \(2021\) 652](#).

⁵² European Environment Agency, [Conservation status and trend in conservation status by habitat group - forests](#), January 2022.

⁵³ [Regulation \(EU\) No 995/2010](#).

⁵⁴ [COM \(2020\) 629 final](#).

⁵⁵ Regulation (EU) No 995/2010 of the European Parliament and the Council of 17 November 2021 on the making available on the Union market as well as export from the Union of certain commodities and

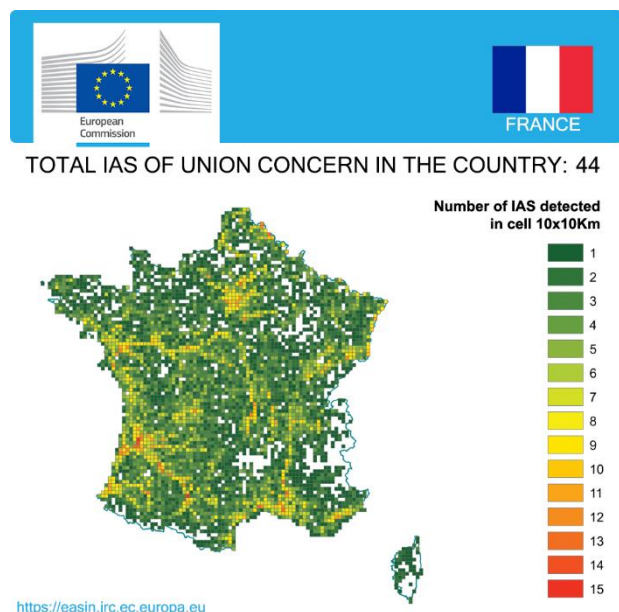
products associated with deforestation and forest degradation and repealing, [COM 2021 706 1 EN ACT part1 v6 \(1\).pdf](#).

⁵⁶ COM(2021) 706 final Annexes 1 to 2, [COM 2021 706 1 EN annexe proposition part1 v4 \(1\).pdf](#).

⁵⁷ Regulation (EU) No 1143/2014.

⁵⁸ Report from the Commission to the European Parliament and the Council on the review of the application of Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species, [COM\(2021\) 628 final](#), 13.10.2021.

Figure 13: Number of IAS of EU concern, based on available georeferenced information for France, 2021



An infringement case is ongoing against France because it had failed to establish and implement any action plan fulfilling the requirements under Article 13 of the IAS Regulation by 13 July 2019.

France has been very late in complying with the obligation to adopt the list of IAS in the outermost regions (the last list was only adopted in 2021).

The results of the biogeographical assessment show that no progress has been made to maintain or restore favourable conservation status of species and habitats compared to the 2019 EIR.

2022 priority actions

- Address the SACs and the conservation status by: (i) completing Natura 2000 designation (especially at sea); (ii) better define the conservation objectives in the Natura 2000 sites; and (iii) comply with the Natura 2000 rules against deterioration.
- Improve protection of species, especially cetaceans, huntable birds and farmland birds, and large carnivores.

- Take the necessary steps to fully comply with the requirements specified in Article 13 of the IAS Regulation.

Marine ecosystems

The EU Biodiversity Strategy for 2030 aims to substantially reduce the negative impacts on sensitive species and habitats in marine ecosystems and to achieve good environmental status as well as eliminate or reduce the incidental catches of protected, endangered, threatened and sensitive species to a level that allows species recovery and conservation⁵¹.

The Marine Strategy Framework Directive (MSFD) requires Member States to achieve good environmental status (GES) for their marine waters. To that end, Member States must draw up marine strategies for their marine waters, and cooperate with Member States sharing the same marine region or subregion. These marine strategies comprise different steps to be developed and implemented over 6-year cycles.

The MSFD also required Member States to draw up a set of GES characteristics for each qualitative descriptor⁵⁹ (Article 9) and to provide an initial assessment of their marine waters (Article 8) by 15 October 2018. The Commission then assesses whether this constitutes an appropriate framework to meet the requirements of the Directive.

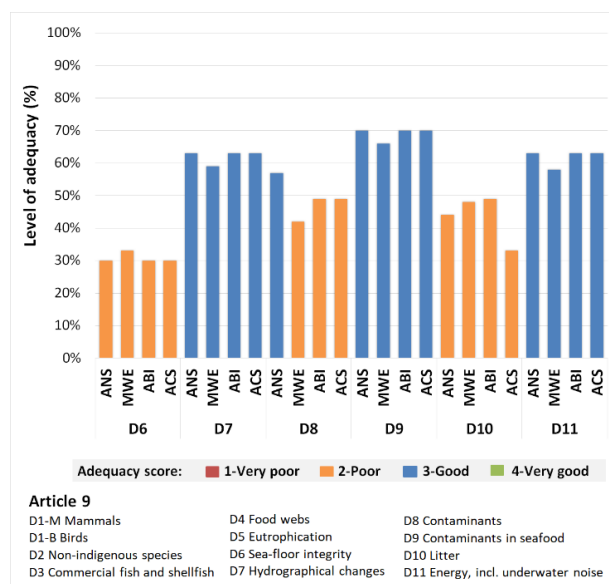
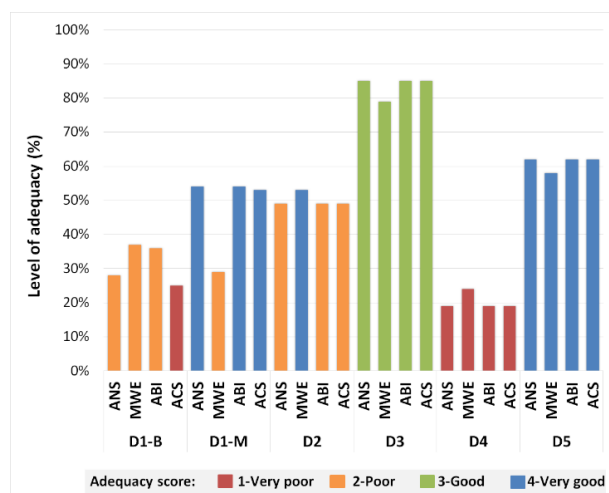
The Commission assessed France's 2018 determinations of GES for each of the MSFD's 11 descriptors⁶⁰ and determined how adequate they were in relation to the Commission Decision on criteria and methodological standards for GES in marine waters⁶¹. A good or very good score in the Commission assessment indicates that the national determinations of GES are well aligned with the requirements of the Commission GES Decision, and provide qualitative and quantitative national environmental objectives to be achieved for their marine waters.

⁵⁹ The Marine Strategy Framework Directive's descriptors are eleven qualitative descriptors set out in Annex I of the Directive and which describe what the environment will look like when GES has been achieved. These descriptors help Member States interpret what Good Environmental Status (GES) under the MSFD means in practice.

⁶⁰ Annex I of Directive 2008/56/EC establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive), OJ L 164, 25.6.2008, p. 19–40.

⁶¹ This assessment was made in relation to the Commission GES Decision, [Commission Decision No 2017/848, pp. 43-74](#).

Figure 14: Level of adequacy of GES determination by France (ANS, MWE, ABI and ACS regions) with criteria set under the Commission GES Decision – Article 9 (2018 reporting exercise)⁶²



France has four marine sub-regions.

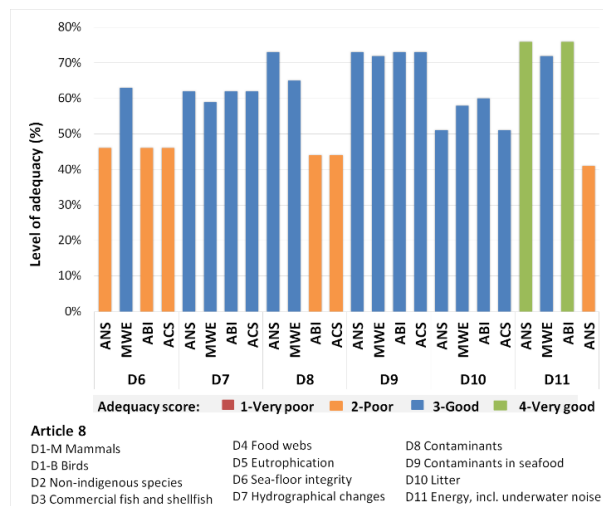
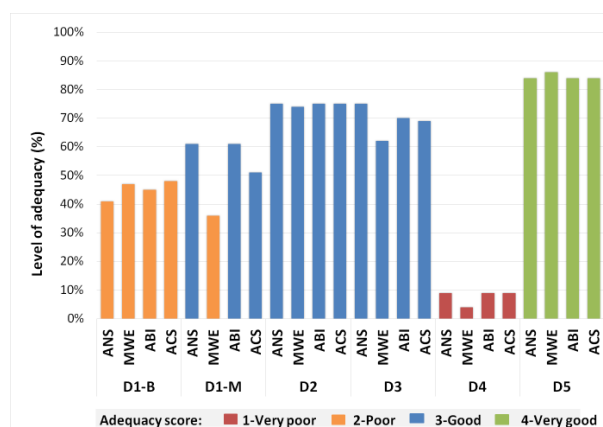
- ANS-NE Atlantic (Great North Sea): in this marine sub-region, 6 out of 11 determinations of GES were assessed as good or very good. The national determination of GES by France is coherent for 6 out of 11 descriptors.
- MWE-Mediterranean (Western Mediterranean Sea): 6 out of 11 determinations of GES were assessed as good or very good. The national determination of GES by France is coherent for 6 out of 11 descriptors.
- ABI-NE Atlantic (Bay of Biscay and Iberian Coast): 5 out of 11 determinations of GES were assessed as

good or very good. The national determination of GES by France is coherent for 5 out of 11 descriptors.

- ACS-NE Atlantic (Celtic Sea): 5 out of 11 determinations of GES were assessed as good or very good. The national determination of GES by France is coherent for 5 out of 11 descriptors.

The MSFD also requires Member States to make an assessment of the current environmental status of their marine waters in relation to the determination of GES. A good or very good score indicates that the Member States have good capabilities to assess their marine environment in line with the requirements set out in the Commission GES Decision.

Figure 15: Level of adequacy of national assessment of France's marine environment (ANS, MWE, ABI and ACS regions) with criteria set under the Commission GES Decision – Article 8 (2018 reporting exercise)⁶³



⁶² Assessment carried out by the Commission of the data reported by Member States, January 2022. Please note that only two sub-sections of descriptor D1 are displayed (D1-M Mammals and D1-B Birds). For the

analysis, these two sub-sections were considered as a whole after averaging them.

⁶³ See previous footnote.

In ANS-NE Atlantic (Great North Sea), 9 descriptors out of 11 were scored as good or very good. France's assessment of its marine environment is coherent with requirements set out under the Commission GES Decision for 9 out of 11 descriptors.

In MWE-Mediterranean (Western Mediterranean Sea), 9 descriptors out of 11 were scored as good or very good. France's assessment of its marine environment is coherent with requirements set under the Commission GES Decision for 9 out of 11 descriptors.

In ABI-NE Atlantic (Bay of Biscay and Iberian Coast), 8 descriptors out of 11 were scored as good or very good. France's assessment of its marine environment is coherent with requirements set under the Commission GES Decision for 8 out of 11 descriptors.

In ACS-NE Atlantic (Celtic Sea), 7 descriptors out of 11 were scored as good or very good. France's assessment of its marine environment is coherent with requirements set under the Commission GES Decision for 7 out of 11 descriptors.

In the 2019 EIR, the Commission suggested that France: (i) provides more information about its measures to achieve GES; (ii) draws up more measures with a direct impact on pressures; and (iii) quantifies the expected reduction of pressure as a result. The Commission also recommended that France should ensure reporting of the different parts of the Marine Strategy Framework Directive.

Furthermore, in March 2022, the Commission published a Communication with recommendations for Member States. The Commission's assessment concludes that Member States need to step up their efforts to determine the GES and the use of the criteria and methodological standards according to the Commission GES Decision. The above considerations form the basis for the 2022 priority actions.

2022 priority actions

- Ratify the Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from the Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (Offshore Protocol to the Barcelona Convention).
- Implement the Commission's recommendations on preparing marine strategies, including assessing, and determining good environmental status and setting environmental targets.

- Ensure regional cooperation with Member States sharing the same marine sub-region to address predominant pressures.

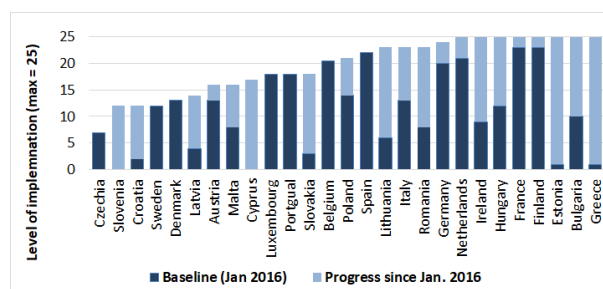
Ecosystem assessment and accounting

The EU biodiversity strategy for 2030 calls on Member States to better integrate biodiversity considerations into public and business decision making at all levels and to develop natural capital accounting. The EU needs a better performing biodiversity observation network and more consistent reporting on the condition of ecosystems.

The biodiversity information system for Europe (BISE) provides information on progress by Member States in ecosystem assessment and accounting⁶⁴. The French national ecosystem assessment is a science-policy-society platform (*Evaluation française des écosystèmes et des services écosystémiques* or EFESE) led by the Ministry of Ecological Transition. In a first phase (2012-2018), an overall assessment of the six major French ecosystems was published. A final report was published in October 2020⁶⁵. EFESE also has its own social network that allows interaction within the community involved in ecosystem assessments in France⁶⁶.

To assess progress in ecosystem mapping and assessment, the Commission sends out a questionnaire twice a year containing 27 implementation questions. France has provided updated information, and progress has been recorded since January 2016 (see Figure 16). This assessment is based on 27 implementation questions and updated every six months.

Figure 16: ESMERALDA MAES barometer, January 2016 - March 2021⁶⁷



To assess progress on the implementation of ecosystem accounting, the Commission conducts a survey of Member States every x year by sending out a survey

⁶⁴ <https://biodiversity.europa.eu/countries/>

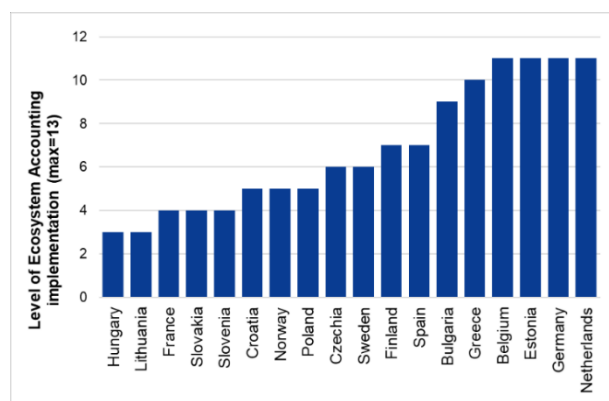
⁶⁵ [French national ecosystem assessment](#) (available in French).

⁶⁶ EFESE [programme webpage](#).

⁶⁷ European Commission, Joint Research Centre, Publication Office, [EU Ecosystem assessment: summary for policymakers](#), p. 80, May 2021.

containing 13 questions (see Figure 17). In the ecosystem accounting barometer, France is in the group of less advanced countries and ranks third.

Figure 17: Ecosystem accounting barometer, September 2021⁶⁸



In France, there is a lot of interest in biophysical and economic accounts. A methodological framework has been developed by the government to create the marine ecosystem extent, condition and monetary asset accounts. A national forest ecosystem monetary asset account has been developed and a cultural ecosystem supply and use account in monetary terms has also been developed at local level. In addition, a theoretical framework is under development to calculate the unpaid ecological cost of an ecosystem.

Data gaps in France mainly concern: (i) marine and coastal habitats; and (ii) the overseas territories. The first suffers from infrequent and inconsistent data affecting both extent and condition accounts, while the second lacks data overall except for coral reefs. The account for unpaid ecological cost still needs conceptual and technical refinements to become operational.

As highlighted in the Commission's report on the implementation of the MSFD⁶⁹, while regional cooperation has improved since the adoption of the MSFD, more cooperation is needed so that the regional marine strategies are consistent with each other, as required by the Directive.

2022 priority actions

- Continue supporting the mapping and assessment of ecosystems and their services, and the development of ecosystem accounting. This should be done through

appropriate indicators for integrating ecosystem extent, condition and services (including some monetary values) into national accounts.

- Continue supporting the development of national business and biodiversity platforms, including natural-capital accounting systems to monitor and value the impact of business on biodiversity.

⁶⁸ MAIA Portal, Mapping and assessment for Integrated Ecosystem Accounting (EU Horizon 2020 project), 2022. MAIA uses the System of Environmental Economic Accounting – Experimental Ecosystem Accounting (SEEA-EEA) as the methodological basis for ecosystem

accounting. The SEEA EA is an integrated and comprehensive statistical framework, which is based on five core accounts: ecosystem extent, condition, services and monetary ecosystem asset.

⁶⁹ [COM\(2020\)259](#).

3. Zero pollution

Clean air

EU clean-air policies and legislation need to significantly improve air quality in the EU, moving the EU closer to the quality recommended by the WHO and curbing emissions of key air pollutants.

Air pollution and its impacts on 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 clean-air legislation and defining strategic targets and actions for 2030 and beyond.

The 2030 zero-pollution action-plan targets are to reduce the health impacts of air pollution by 55% and to reduce the EU ecosystems threatened by air pollution by 25%, compared to 2005.

The EU has developed a comprehensive suite of clean air legislation, which sets health-based air quality standards⁷⁰ and emissions reduction commitments by Member State for a number of air pollutants⁷¹.

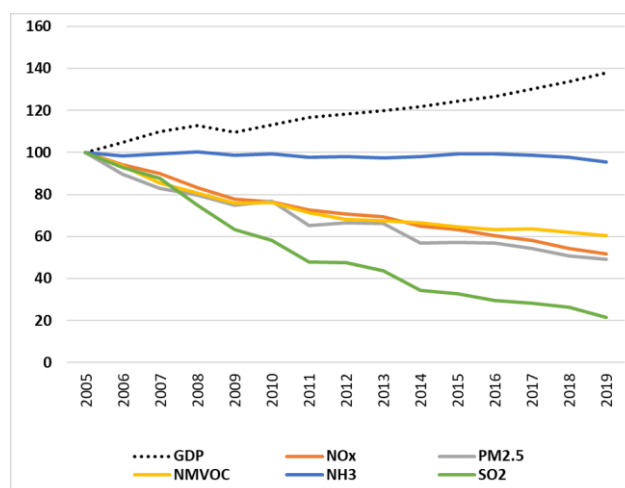
At the same time, air quality in France continues to give cause for serious concern. The latest available annual estimates (for 2019) by the European Environment Agency⁷² point to France suffering about 29 800 premature deaths (or 354 100 years of life lost (YLL)) attributable to fine particulate matter concentrations⁷³, 2 050 premature deaths each year (25 800 YLL) attributable to ozone concentration⁷⁴ and 4970 premature deaths a year (59 100 YLL) attributable to nitrogen dioxide concentrations^{75 76}.

The emissions of several air pollutants have decreased significantly in France in recent years, while GDP growth has continued (see Figure 18). According to the latest air pollutant emission projections as submitted under Article 10(2) of the National Emission Reduction Commitments Directive (NECD)⁷⁷, France projects that it will reach emissions reduction commitments for all air pollutants covered under the Directive for 2020-2029 and for most pollutants for 2030 onwards. The projections however do not show reaching emissions reduction commitments for NH₃ for 2030 onwards. Latest data submitted by France, before the Commission's review, indicate that the country

complied with the emission reduction commitments for all pollutants in 2020.

France submitted its national air pollution control programme to the Commission on 9 October 2019.

Figure 18: Emission trends of main pollutants/ GDP 2005-2019 in France⁷⁸



⁷⁰ European Commission, 2016. [Air Quality Standards](#).

⁷¹ European Commission, [Reduction of National Emissions](#).

⁷² European Environment Agency, [Air Quality in Europe – 2021 Report](#). Please see details in this report as regards the underpinning methodology, p.106.

⁷³ 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.

⁷⁴ Low-level ozone is produced by photochemical action on pollution.

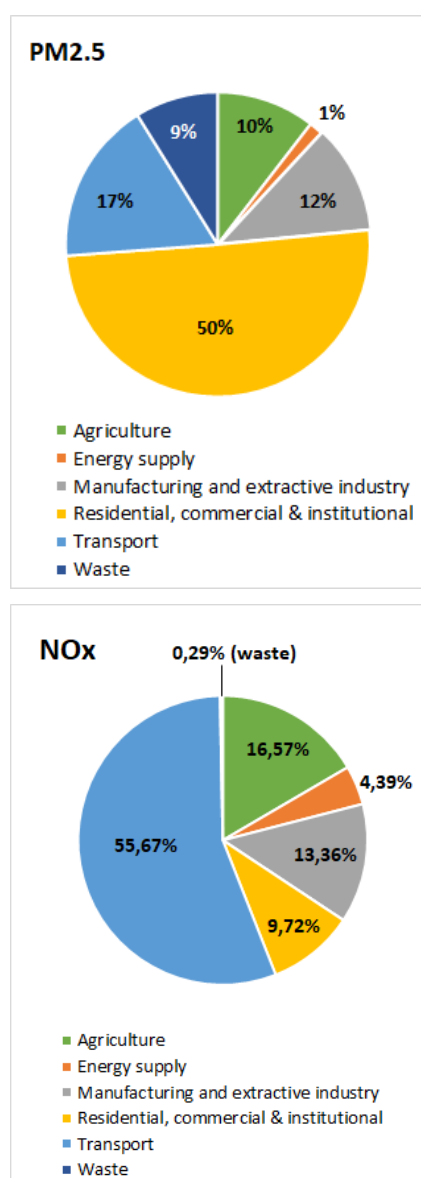
⁷⁵ NOx is emitted during fuel combustion e.g. from industrial facilities and the road transport sector. NOx is a group of gases comprising nitrogen monoxide (NO) and nitrogen dioxide (NO₂).

⁷⁶ Please note that these figures refer to the impacts of individual pollutants, and to avoid double-counting cannot be added up to derive a sum.

⁷⁷ Directive 2016/2284/EU.

⁷⁸ European Environment Agency.

Figure 19: PM2.5 and NOx emissions by sector in France, 2019⁷⁹



In 2020, exceedances above the limit values set by the Ambient Air Quality Directive were registered for nitrogen dioxide (NO₂) in two air quality zones and of sulfur dioxide (SO₂) in one zone. Furthermore, for several air quality zones, the target values for ozone concentrations have also not been met⁸⁰.

Persistent breaches of air quality requirements, which have severe negative effects on health and environment, are being followed up closely by the Commission through

infringement procedures (mainly for PM₁₀ and NO₂ exceedances) covering all Member States concerned, including France.

For exceedances of NO₂ limit values, the Court of Justice of the European Union (CJEU) delivered a judgment⁸¹ confirming non-compliance with Directive 2008/50/EC in 12 air quality zones and urban areas (*agglomérations*)⁸². In December 2020⁸³, France was urged to execute this judgment by taking and implementing all the required measures to remedy the situation in order to ensure that the period of exceedance would be as short as possible. If France fails to do so, the Commission may refer the case back to the CJEU and propose financial penalties.

For exceedances of PM₁₀ limit values, the Commission decided⁸⁴ to refer France to the CJEU in October 2020. The aim of this legal action is to put in place appropriate measures that are implemented swiftly, bringing all air quality zones into compliance with EU standards.

2022 priority actions

- As part of its national air pollution control programme (NAPCP), take action to reduce emissions from the main emission sources.
- Ensure full compliance with EU air quality standards and maintain downward emissions trends for air pollutants to reduce adverse air pollution impacts on health and the economy, with a view to reaching WHO guideline values in the future.
- Accelerate ratification of the amended Gothenburg Protocol under the UN Economic Commission for Europe Air Convention.

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;
- 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

⁷⁹ European Environment Agency.

⁸⁰ European Environment Agency, [Eionet Central Data Repository](#).

⁸¹ C-636/18; COM vs France.

⁸² These zones and urban areas are: Marseille, Toulon, Paris, Clermont-Ferrand, Montpellier, Toulouse, Reims, Grenoble, Strasbourg, Lyon, Nice

and the former Vallée de l'Arve Rhône-Alpes (now two distinct zones : Vallée de l'Arve and Vallée du Rhône).

⁸³ [December infringements package key decisions .pdf](#)

⁸⁴ See previous footnote.

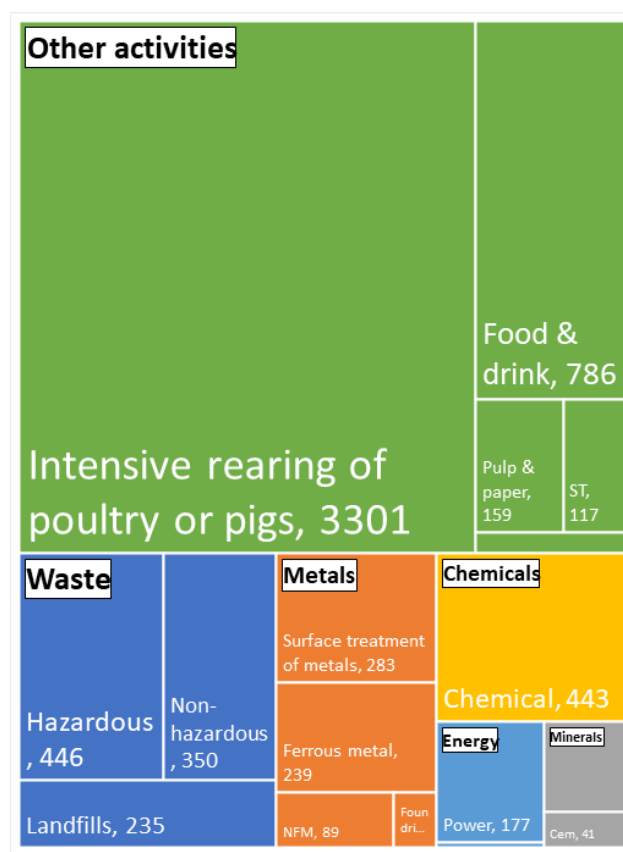
Industrial Emissions Directive (IED)⁸⁵. The Commission tabled a proposal in April 2022⁸⁶. The revision seeks to improve the Directive's contribution to the zero-pollution objective, as well as its consistency with climate, energy and circular-economy policies.

The overview of industrial activities regulated by the IED below is based on data reported to the EU registry (2018)⁸⁷.

In France, around 6 850 industrial installations are required to have a permit based on the IED. This represents an increase of about 450 installations since 2015, mainly in the waste management sector and in the intensive rearing of poultry and pigs. The distribution of installations is shown in Figure 19.

The industrial sectors in France with the most IED installations in 2018 were: (i) the intensive rearing of poultry and pigs (48%); (ii) the waste management sector, including landfills (15%); (iii) the food and drink sector (12%); (iv) the production and processing of metals (9%); and (v) the chemical sector (7%).

Figure 20: Number of IED industrial installations per sector in France, 2018⁸⁸



The industrial sectors identified as contributing the largest burden to the environment for emissions to air were:

- the energy sector for sulfur oxides (SO_x), nitrogen oxides (NO_x), nickel (Ni) and mercury (Hg);
- the production and processing of metals (in particular iron and steel) for lead (Pb), arsenic (As); cadmium (Cd), chromium (Cr);
- the waste management sector for Particulate Matter (PM_{2.5}) and dioxins (PCDD/F);
- intensive rearing of poultry or pigs for Ammonia (NH₃);
- surface treatment and the food, drink and milk sector for non methane volatile organic compounds (NMVOCs).

The breakdown is shown in the Figure 21.

In particular, in 2017, two installations for producing and processing ferrous metals (ArcelorMittal in Dunkirk and in Fos-sur-Mer) were among the top 30 European Pollutant

⁸⁵ Directive 2010/75/EU covers industrial activities carried out above certain thresholds. It covers the energy industry, metal production, the mineral and chemical industry, waste management, and a wide range of industrial and agricultural sectors (e.g. intensive rearing of pigs and poultry, pulp and paper production, painting and cleaning).

⁸⁶ European Commission, [proposal for a revision of the Industrial Emissions Directive](#), 4 April 2022. The revision of the IED is performed in

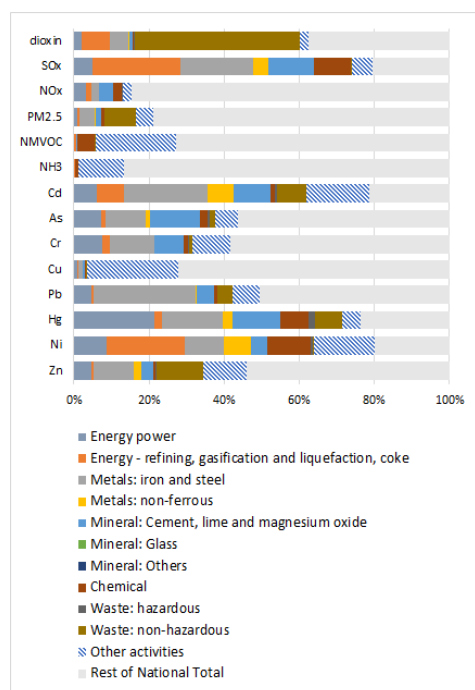
parallel to the revision of Regulation (EC) No 166/2006 on the European Pollutant Release and Transfer Register (E-PRTR).

⁸⁷ European Environment Agency, [European Industrial Emissions Portal](#).

⁸⁸ European Environment Agency, EU Registry, [European Industrial Emissions Portal \(data retrieved on 3 November 2021\)](#).

Release and Transfer Register (E-PRTR) facilities with the highest absolute damage costs from emissions of the main air pollutants and greenhouse gases⁸⁹.

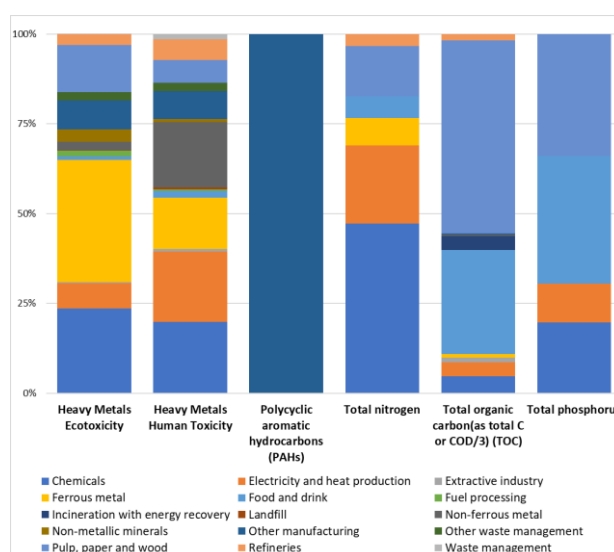
Figure 21: Emissions to air from IED sectors and rest of national total air emissions in France, 2018⁹⁰



The environmental burdens for industrial emissions to water mainly result from: (i) the chemical sector and the metal sector for heavy metals; (ii) from the chemical sector for total nitrogen; (iii) production of pulp and paper for total organic carbon (TOC); (iv) the food and drink sector for total phosphorus.

The breakdown, based on E-PRTR data, is presented in Figure 22.

Figure 22: Relative releases to water from industry in France, 2018⁹¹



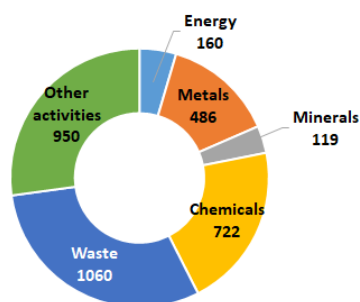
The EU approach to enforcement under the IED creates strong rights for the public to have access to relevant information and to participate in the permitting process for potentially polluting installations. This empowers the public and NGOs to ensure that permits are appropriately granted and the conditions of these permits are complied with. As part of environmental inspection, competent authorities carry out site visits to IED installations to take samples and to gather necessary information. In line with Article 23(4) of the IED, site visits must be carried out between once a year and once every 3 years, depending on the environmental risks posed by the installations. In 2018 France carried out 4 222 site visits. The largest number of visits were to the waste sector (25% of visits), the intensive rearing of poultry or pigs (23%) and the chemical sector (17%).

⁸⁹ European Environment Agency, [Costs of air pollution from European industrial facilities 2008–2017](#). Eionet Report - ETC/ATNI 2020/4, 2021. The ranking is based on the approach accounting for the value of a life year (VOLY), table 41, p.125 and table 44, p.141.

⁹⁰ European Environment Agency, LRTAP, [Air pollutant emissions data viewer \(Gothenburg Protocol, LRTAP Convention\) 1990-2019](#).

⁹¹ European Environment Agency, E-PRTR, [European Industrial Emissions Portal](#). The heavy metals are presented both as a weighted sum of ecotoxicity and human toxicity factors to illustrate both the ecological and human impact (based on USEtox).

Figure 23: Number of inspections of IED installations in France in 2018⁹²



The development of best available techniques (BAT) reference documents (BREFs) and BAT conclusions ensures good collaboration between stakeholders and enables better implementation of the IED⁹³. Since the last EIR report, the Commission adopted BAT conclusions for: (i) waste incineration; (ii) for the food, drink and milk industries; (iii) surface treatment using organic solvents including wood and wood products preservation with chemicals.

The Commission relies on the efforts of national competent authorities to implement the legally binding BAT conclusions and associated BAT emission levels in environmental permits. This should result in considerable and continuous reductions in pollution.

In 2019, France received priority actions to: (i) review permits to comply with newly adopted BAT conclusions; and (ii) strengthen monitoring and enforcement to ensure compliance with BAT conclusions. These actions have been followed up by the Commission through the reporting by France to the EU registry. The Commission also followed up on non-compliant permits reported in 2018.

2022 priority action

- Address pollution from metal production and processing.

Preventing major industrial accidents – Seveso

The main objectives of EU policy on the prevention of major industrial accidents are to:

(i) control major accident hazards involving dangerous

substances, especially chemicals;

(ii) limit the consequences of such accidents for human health and the environment;

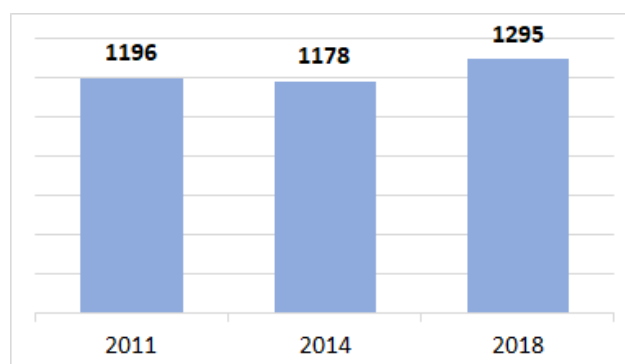
(iii) continuously improve prevention, preparedness and response to major accidents.

The cornerstone of the policy is Directive 2012/18/EU (the Seveso-III Directive)⁹⁴.

The below overview of industrial plants regulated by the Seveso III Directive ('Seveso establishments'), is based on data reported to the eSPIRS database (2018)⁹⁵ and the France report on the implementation of the Seveso III Directive for 2015-2018⁹⁶.

In France, of the 1 295 Seveso establishments, 617 are categorised as lower-tier establishments and 678 as upper-tier establishments (UTEs), based on the quantity of hazardous substances likely to be present in them. The UTEs are subject to more stringent requirements. The change in the number of Seveso establishments is presented in Figure 24.

Figure 24: Number of Seveso establishments in France, 2011, 2014 and 2018⁹⁷



Many Seveso establishments are required to draw up external emergency plans (EEPs). These EEPs are essential to allow proper preparation and effective implementation of the necessary actions to protect the environment and the population should a major industrial accident occur at them. According to France, an EEP is required for 641 UTEs. In 2018, 619 UTEs had an EEP, and 532 of these EEPs had been tested over the last 3 years. The summary of EEPs in France is shown in Figure 25.

⁹² European Environment Agency, EU registry, [European Industrial Emissions Portal](#).

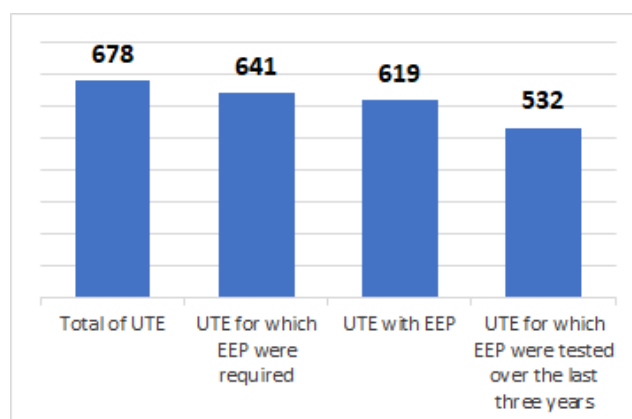
⁹³ European Commission, [BAT reference documents](#).

⁹⁴ Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances.

⁹⁵ European Commission, [Seveso Plants Information Retrieval System](#).

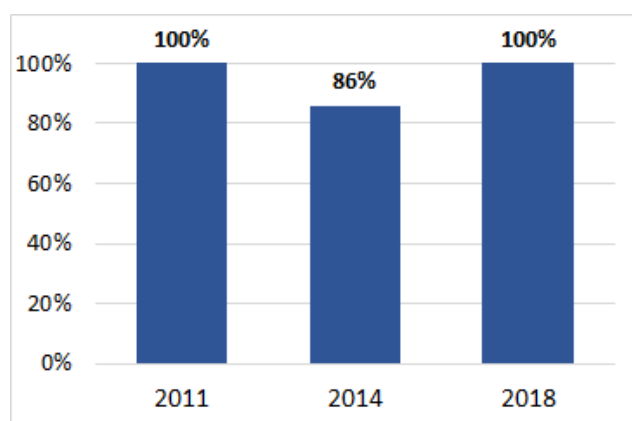
⁹⁶ As provided for under Article 21(2) of the Seveso III Directive.

⁹⁷ European Commission, [Assessment and summary of Member States' implementation reports for Implementing Decision 2014/896/EU \(implementing Directive 2012/18/EU on the control of major accident hazards involving dangerous substances\)](#), 2022.

Figure 25: Situation regarding EEPs in France, 2018⁹⁸

The following types of information are permanently available for 100% of the Seveso establishments in France: (i) information to the public referred to in Annex V of the Seveso III Directive especially about how the public concerned will be warned if there is a major accident; (ii) information about appropriate behaviour in the event of a major accident; and (iii) information contraining the date of the last site visit.

The share of UTEs for which information on safety measures and requisite behaviours were actively made available to the public in recent years are presented in Figure 26.

Figure 26: Share of UTEs for which information on safety measures and requisite behaviours were actively made available to the public in France – 2011, 2014 and 2018⁹⁹

The conformity on how the Seveso III Directive has been

⁹⁸ See previous footnote.

⁹⁹ See previous footnote.

¹⁰⁰ Directive [2002/49/EC](#)

¹⁰¹ WHO 2018, Environmental Noise Guidelines for the European Region.

¹⁰² For further information: European Environment Agency, [Noise Fact Sheets 2021](#).

¹⁰³ These figures are an estimation by the European Environmental Agency based on: (i) the data reported by Member States on noise

turned into national legislation has been assessed, and there is currently an ongoing infringement case on the information that should be made available to the public and how the public should be consulted.

2022 priority action

- Strengthen monitoring and enforcement to ensure compliance with Seveso III Directive rules, especially on EEPs and information to the public.

Noise

The Environmental Noise Directive¹⁰⁰ provides for a common approach to avoid, prevent and reduce the harmful effects of exposure to environmental noise, although it does not set noise limits as such. The main instruments it uses in this respect are strategic noise mapping and planning. A relevant 2030 zero pollution action plan target is a reduction by 30% of the share of people chronically disturbed by transport noise compared to 2017.

Excessive noise from aircraft, railways and roads is one of the main causes of environmental health-related issues in the EU. It can cause ischaemic heart disease, stroke, interrupted sleep, cognitive impairment and stress¹⁰¹.

In France, based on a limited set of data¹⁰², environmental noise is estimated to cause at least around 1500 premature deaths and 7500 cases of ischemic heart disease annually¹⁰³. Moreover, some 1.2 million people suffer from disturbed sleep. The overall noise exposure was 15.5 million people in 2012, the latest year with almost complete data.

On the basis of the latest full set of information analysed, noise mapping of urban areas, roads and railways is complete. In the 2019 EIR, France received a priority action to complete noise action plans, where there has been limited progress as detailed above. However, the country still lacks action plans for many urban areas and major roads. The noise maps and action plans, to be adopted after a public consultation, should include measures to keep noise at low levels or reduce it.

exposure covered by Directive 2002/49/EC; (ii) ETC/ATNI, 2021, Noise indicators under the Environmental Noise Directive 2021: [Methodology for estimating missing data](#), ETC/ATNI Report No 2021/06, European Topic Centre on Air Pollution, Transport, Noise and Industrial Pollution; and (iii) the [methodology for health impact calculations](#), ETC/ACM, 2018, Implications of environmental noise on health and wellbeing in Europe, Eionet Report ETC/ACM No 2018/10, European Topic Centre on Air Pollution and Climate Change Mitigation.

2022 priority action

- Complete action plans for noise management in urban areas and around major roads.

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.

Water Framework Directive

The Water Framework Directive (WFD)¹⁰⁴ is the cornerstone of EU water policy in the 21st century¹⁰⁵. The WFD and other water-related legislation¹⁰⁶ set the framework for sustainable and integrated water management, which aims at a high level of protection of water resources, prevention of further deterioration and restoration to good status.

By March 2022, all Member States had to report on the third round of river basin management plans (RBMP). France has done it on time. Member States were required under the WFD to draw up river basin management plans for all river basins on their territory. The Commission will now assess the reported status of river basins and progress made in these river basins, checking how the findings identified in the Commission's assessment of the second round of RBMPs¹⁰⁷ have been addressed.

The Commission published in December 2021 the 6th Implementation Report¹⁰⁸, which assesses implementation of the WFD and the Floods Directive. This report includes an interim assessment on progress of the implementation of the programmes of measures and monitoring of new priority substances. The assessment report for France¹⁰⁹ showed that all 14 river basin districts (RBDs) had implemented numerous measures since the adoption of the programme of measures in 2015.

Furthermore, all French RBDs have reported decreasing gaps from 2015 to 2021. There were also no indicators that show increases in the gap to meet the objectives for any RBD. The reported information on key types of measures makes it possible to clarify the main pressures targeted by each type of measure for all French RBDs. However, only indicator values have been presented for 2018; – no quantitative values were provided for 2021 and 2027, thus a trend analysis was not possible.

Based on the second round of RBMP reporting and data published in 2020¹¹⁰, only 44.2% of all French surface water bodies have reached good ecological status (with only 0.4% of surface water bodies having unknown status), and 62.9% have good chemical status (with 21.2% having unknown status). For groundwater, 30.9% of groundwater bodies failed to achieve good chemical status, and 10.2% are in poor quantitative status.

Figure 27 illustrates the proportion of surface water bodies in France and other European countries that failed to achieve good ecological status.

Figure 27: Proportion of surface water bodies (rivers, lakes, transitional waters and coastal waters) in less than good ecological status per river basin district¹¹¹

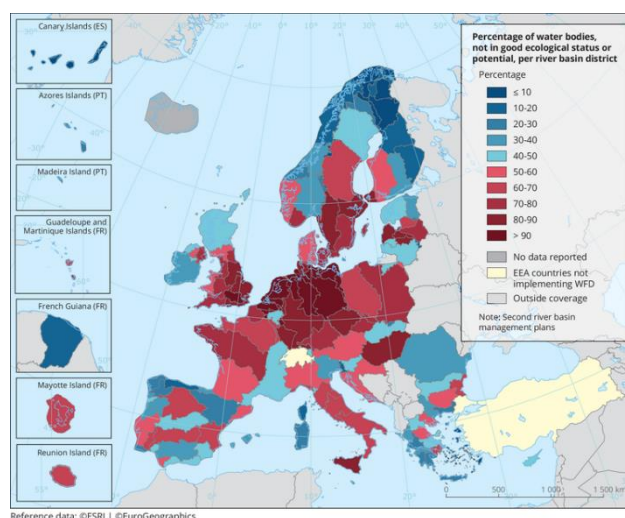


Figure 28 presents the percentage of surface water bodies in France and other European countries failing to achieve good chemical status. For France, this is 15.9% if one

¹⁰⁴ The [Water Framework Directive \(2000/60/EC\)](#).

¹⁰⁵ The [EU Water Policy](#).

¹⁰⁶ This includes the [Groundwater Directive \(2006/118/EC\)](#), the [Environmental Quality Standards Directive \(2008/105/EC\)](#), the [Floods Directive \(2007/60/EC\)](#), the [Bathing Water Directive \(2006/7/EC\)](#), the [Urban Waste Water Treatment Directive \(91/271/EEC\)](#), the new [Drinking Water Directive \(2020/2184/EC\)](#), the [Nitrates Directive \(91/676/EEC\)](#), the [Marine Strategy Framework Directive \(2008/56/EC\)](#), the [Industrial Emissions Directive \(2010/75/EU\)](#), and the new [Regulation on minimum requirements for water reuse \(2020/741\)](#).

¹⁰⁷ Detailed information can be found in the [5th Report from the Commission on the implementation of the Water Framework Directive and the Floods Directive](#), as well as in the 2019 EIR.

¹⁰⁸ See the [6th Implementation Report of the WFD and Floods Directive](#).

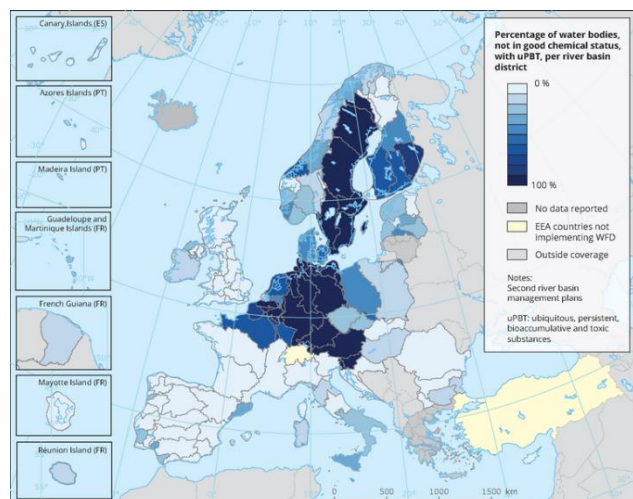
¹⁰⁹ European Commission, Directorate-General for Environment, Assessment of Member States' progress in Programmes of Measures during the second planning cycle of the Water Framework Directive. Member State: [France](#), 2022.

¹¹⁰ [WISE Freshwater \(europa.eu\)](#).

¹¹¹ European Environment Agency, [2021](#).

includes water bodies failing due to substances behaving as ubiquitous PBTs (uPBTs – persistent, bio-accumulative, and toxic). Without uPBTs, 3% of French surface water bodies fail to achieve good chemical status (with 21% of surface water bodies having unknown chemical status).

Figure 28: Percentage of surface water bodies not achieving good chemical status¹¹²

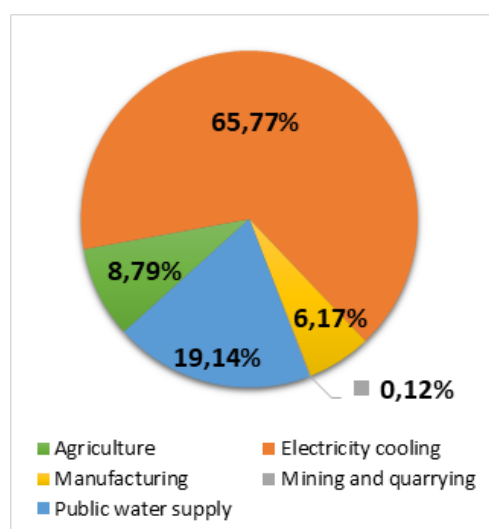


Under the IED, France showed a significant decrease (81.8%) over the last decade in the industrial release of heavy metals like Cd, Hg, Ni and Pb. It also saw a massive 89.9% decline in TOC released to water over the same period¹¹³.

The total water abstracted annually (corresponding to 2019 as the baseline year) in France from surface and groundwater sources is 27 691.47 hm³ (European Environment Agency, 2022). The percentage for water abstraction per sector is 8.79% for agriculture, 19.14% for public water supply, 65.77% for electricity, 6.17% for manufacturing and 0.12% for mining and quarrying (see Figure 29). France uses a register to monitor water abstractions¹¹⁴. The register of protected areas covers drinking water abstraction zones of >10m³/day or supplying over 50 people, as well as zones identified for such a usage in future. Abstraction permits indicate their validity duration, and single abstraction permits (for agricultural irrigation in areas with a chronic lack of water in relation to needs) are valid for up to 15 years. Abstractions below 1 000 m³/year (groundwater) and 10

000 m³/year (surface water) are not subject to any authorisation or declaration. However, the competent authority may impose any measures necessary on such abstractions in order to prevent, stop, or repair environmental damage whenever an incident or accident endangers the quality, circulation or conservation of water.

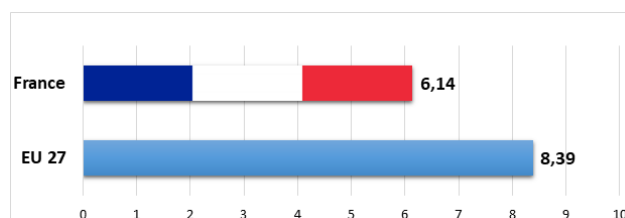
Figure 29: Water abstraction by sector in France¹¹⁵



In France, the water exploitation index plus (WEI+)¹¹⁶ was 6.14% in 2017, which is less than the 20% that is generally considered to indicate water scarcity.

Figure 30 presents the WEI+ index in France and other European countries. France is ranked 10th in the EU on the WEI+ (with 1st indicating a country that has a high WEI+ and therefore a country with water-scarcity problems).

Figure 30: Water exploitation index plus (WEI+) in the EU, 2017¹¹⁷



¹¹² European Environment Agency, [Water bodies Status - December 2019](#).

¹¹³ European Environment Agency, June 2021.

¹¹⁴ Water abstraction registry – available in French: [Accueil | BNPE \(eaufrance.fr\)](#).

¹¹⁵ European Environment Agency, [Water abstraction by source and economic sector in Europe](#), 2022.

¹¹⁶ The water exploitation index plus (WEI+) is a measure of total fresh water use as a percentage of the renewable fresh water resources (groundwater and surface water) at a given time and place. It quantifies how much water is abstracted and how much water is returned to the environment after use.

¹¹⁷ European Environment Agency, [Water exploitation index plus](#), 2022.

Floods Directive

As mentioned earlier, the Commission published in December 2021 the 6th Implementation Report, which assesses the implementation of both the WFD and the Floods Directive. The report includes a review and update of the preliminary flood risk assessments drawn up by Member States during the second cycle (2016-2021). The report¹¹⁸ showed that a detailed review of past floods had been carried out, and a common methodology was developed at national level and applied in all units of management in a relatively uniform way. However, it is unclear how long-term future developments are considered.

The Commission will assess the progress made by France since the adoption of the first flood risk management plans and publish a report on this, as it did in 2019.

Drinking Water Directive

On the Drinking Water Directive¹¹⁹, no new assessment of the quality of drinking water is available since the 2019 EIR. The quality of drinking water in France has not been indicated as an area of concern. However, in October 2020, the Commission launched an infringement procedure against France because the limit values for nitrates have not been respected for several distribution units¹²⁰.

The recast Directive¹²¹ entered into force on 12 January 2021, and Member States have until 12 January 2023 to turn it into national legislation. France will have to comply with these revised quality standards.

Bathing Water Directive

In 2020, 77.5% of French bathing waters were of excellent quality (see Figure 31)¹²². Detailed information on bathing waters is available from a national portal¹²³ and via an interactive map of the European Environment Agency¹²⁴. The trend between 2017 and 2020 is shown in Figure 32.

Figure 31: Bathing water quality in Europe in the 2020 season¹²⁵

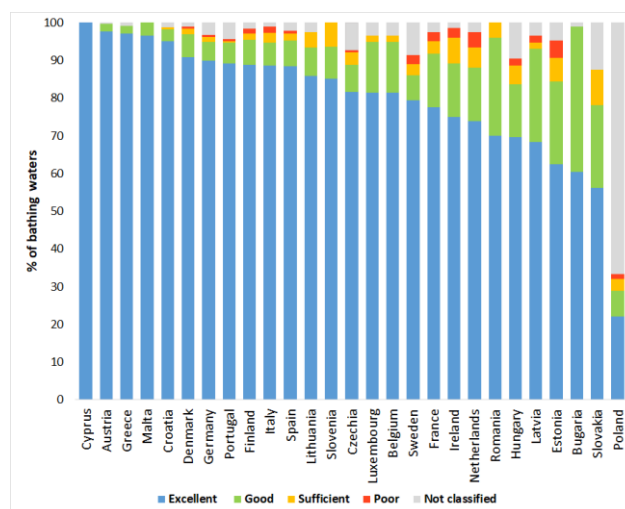
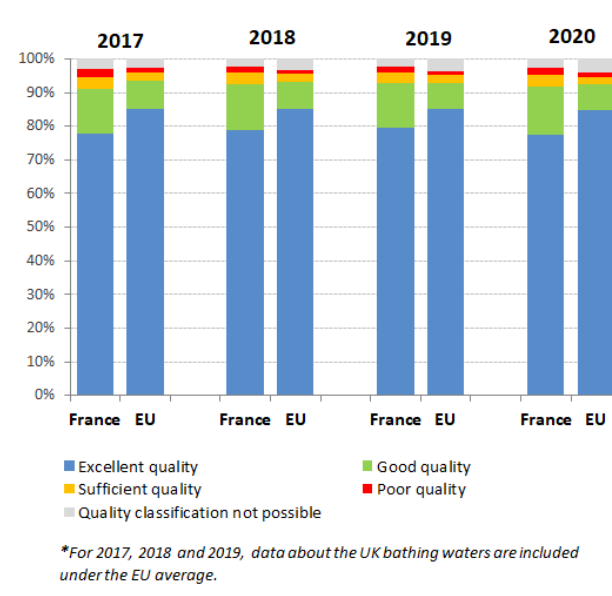


Figure 32: France, Bathing water quality 2017-2020¹²⁶



Nitrates Directive

According to the last implementation report on the Nitrates Directive¹²⁷, which covers 2012-2015, groundwater quality in France has slightly improved compared to the previous reporting period. The

¹¹⁸ European Commission, Directorate-General for Environment, Assessment of Second Cycle Preliminary Flood Risk Assessments and Identification of Areas of Potential Significant Flood Risk under the Floods Directive: Member State: [France](#), 2022.

¹¹⁹ OJ L 330, 5.12.1998, p. 32.

¹²⁰ [October infringements package key decisions](#).

¹²¹ OJ L 435, 23.12.2020, p. 1.

¹²² European Environment Agency, 2021. [French bathingwater country reports 2021](#).

¹²³ [Ministère chargé de la santé - Bathing water quality \(sante.gouv.fr\)](#).

¹²⁴ European Environment Agency, [State of bathing waters in 2020 — European Environment Agency \(europa.eu\)](#).

¹²⁵ European Environment Agency, [Bathing Water Quality in 2020](#), 2022.

¹²⁶ European Environment Agency, [European Bathing Water Quality in 2017, 2018, 2019, 2020](#).

¹²⁷ [Commission Report on the implementation of the Nitrates Directive for the period 2016-2019 - Staff Working Document accompanying the report on the implementation of the Nitrates Directive for the period 2016-2019](#).

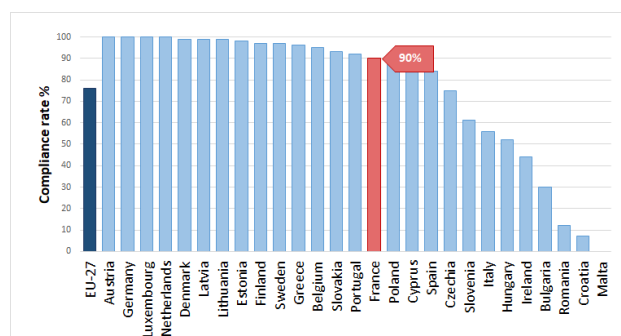
percentage of stations reaching or exceeding 40 or 50 mg nitrate per litre that decreased from 23.91% to 21.4% and from 20.4% to 17.9% respectively. The situation on nitrate concentrations in surface water is rather good and stable, and some improvements were recorded in reducing the eutrophication of surface water.

An infringement procedure is ongoing on the levels of nitrates in French drinking water¹²⁸.

Urban Waste Water Treatment Directive

In recent years, France had difficulties in meeting its obligations under the Urban Waste Water Treatment Directive (UWWTD). The overall compliance rate is 90%, which is higher than the EU average in 2018¹²⁹. 100% of urban waste water in France is collected, and 68.7% meets the requirements for biological treatment¹³⁰.

Figure 33: Proportion of urban waste water that meets all requirements of the UWWTD (collection, biological treatment, biological treatment with nitrogen and/or phosphorus removal) in compliant urban areas of the UWWTD ('compliance rate')¹³¹



In recent years, there have been improvements in compliance with the UWWTD, for which the use of EU funding has been essential. But despite these improvements, the incomplete implementation of the Directive has led to several rulings of the CJEU against France.

In June 2021, the Commission decided to refer France to the CJEU for failure to comply with the requirements of the Urban Waste Water Treatment Directive. France should have been fully compliant with these requirements since 2005. However, more than 100 urban areas with populations of over 2000 people are not compliant. This is because: (i) urban waste water entering collecting systems

is not subject to the appropriate level of treatment before being discharged, and (ii) even if the appropriate level is applied, treated waste water does not meet the Directive's requirements. Fifteen of these urban areas also fail to meet additional requirements of the Directive on protecting nutrient-sensitive areas. The French authorities have shared monitoring data that aims to show compliance with the Directive for some of the urban areas initially identified as non-compliant. However, the remaining deficiencies and gaps led the Commission to conclude that the French authorities have failed to comply for these urban areas.

2022 priority actions

- Assess new physical modifications to water bodies in line with Article 4(7) of the WFD. These assessments should consider alternative options and propose suitable mitigation measures.
- Further improve water quality, in particular water that is polluted by nitrates in groundwater from agriculture.
- Better coordinate implementation of water, marine and nature policies.
- Fully implement the UWWTD for all urban areas, by building up the necessary infrastructure.

Chemicals

The EU seeks to ensure that chemicals are produced and used in a way that minimises any significant adverse effects on human health and the environment. In October 2020, the Commission published its chemicals strategy for sustainability - 'Towards a Toxic-Free Environment'¹³² which led to some systemic changes in EU chemicals legislation. The strategy is part of the EU's zero-pollution ambition – a key commitment of the European Green Deal.

The EU's chemicals legislation¹³³ provides baseline protection for human health and the environment. It also ensures stability and predictability for businesses operating within the single market.

Since 2007, the Commission has gathered information on the enforcement of the Regulation on the Registration, Evaluation, Authorisation and Restriction of Chemicals ('the REACH Regulation') and the Regulation on Classification, Labelling and Packaging ('CLP Regulation'). In December 2020, the Commission assessed Member States' reports of these Regulations¹³⁴, in line with Article

¹²⁸ See footnote 129.

¹²⁹ WISE.

¹³⁰ See previous footnote.

¹³¹ European Commission, [WISE Freshwater](#), 2021.

¹³² [COM\(2020\) 667 final](#).

¹³³ REACH: OJ L 396, 30.12.2006, p.1. - CLP: OJ L 252, 31.12.2006, p.1.

¹³⁴ European Commission, Final Report, on the operation of REACH and CLP, [Final report REACH-CLP MS reporting 2020.pdf \(europa.eu\)](#).

117(1) of the REACH Regulation and Article 46(2) of the CLP Regulation. According to the latest available data, national enforcement structures have not changed much in recent years. However, it is apparent from the latest report in 2020 that there are still many disparities in the implementation of the REACH and CLP Regulations, and notably in the area of law enforcement. Recorded compliance levels in Member States seem to be quite stable over time, but with a slight worsening trend, which is likely due to: (i) enforcement authorities being more effective in detecting non-compliant products/companies; and (ii) more non-compliant products being put on the EU market.

In August 2021, the Commission published a measurable assessment of the enforcement¹³⁵ of REACH Regulation and CLP Regulations using a set of indicators on different aspects of enforcement.

Responsibility for checking compliance with REACH in France lies with the authorities¹³⁶ listed below.

- Ministry of Ecological Transition (Directorate-General for Risk Prevention and Local Services).
- Ministry of Labour (Directorate-General for Labour and Local Services).
- Ministry of Economy (Directorate-General for Competition Policy, Consumer Affairs and Fraud Control and Local Services).
- Ministry of Public Action and Accounts (Directorate-General Of Customs and Excise and Local Services).

France has devised and fully implemented both REACH and CLP enforcement strategies¹³⁷ with the features described below.

- Each national enforcement authority develops its own strategy.
- WEI+ strategies can be on REACH-EN-FORCE or pilot projects.
- Annual planning and evaluation – strategies are revised based on an annual evaluation.
- From 2016 onwards, 5% of inspections of installations classified for environmental protection (*installations classées pour la protection de l'environnement* – ICPEs) will include a chemical products check and 200 specialised inspections. These inspections cover all aspects of the supply chain (registration, authorisation, restrictions and information dissemination). The inspectors responsible for carrying

them out will meet three times a year to share good practices.

Every year, the Directorate-General for Competition, Consumer Affairs and Fraud Control inspects between 1 000 and 1 300 sites and carries out between 180 and 200 samples for the REACH and CLP regulations. Chemical inspectors are part of a network that meets regularly. A review of the network's activities is published internally every year. As a rule, any infringement of the REACH Regulation is categorised as a serious or very serious environmental administrative offence. If the infringement is serious enough, the competent authority may decide to impose further penalties in addition to a fine. The authority may also, where necessary, order the temporary seizure of assets and documents.

In France, 20 specialised inspectors are allocated to REACH and CLP enforcement¹³⁸. There were almost 4 000 REACH checks in the reporting period (2019), while the percentage of non-compliance cases out of the total number of REACH and CLP checks is almost in line with the EU average¹³⁹. Most REACH checks are proactive ones (i.e. inspections), compared with reactive/non-routine checks (i.e. investigations following complaints, accidents and referrals)¹²⁷. The percentage of non-compliance cases out of the total number of checks is the same as the EU average.

¹³⁵ [European Commission, REACH and CLP enforcement: EU level enforcement indicators.](#)

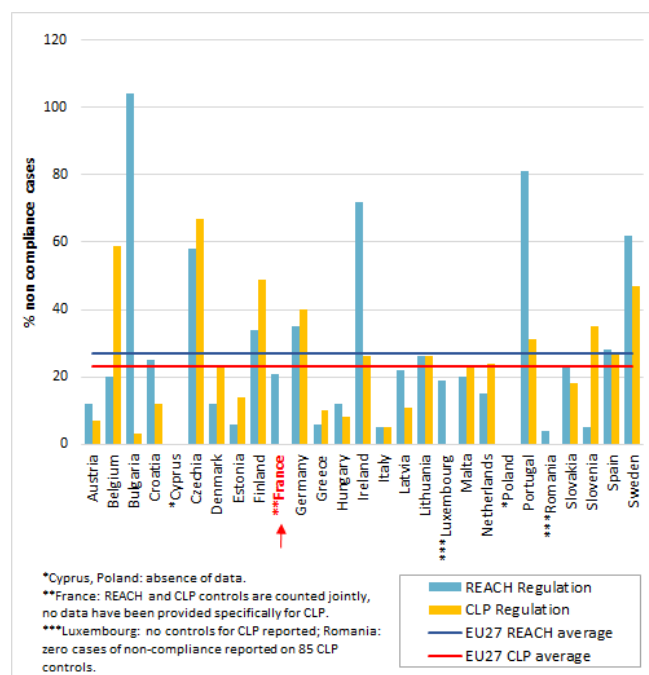
¹³⁶ [Final report REACH-CLP MS reporting 2020.pdf \(europa.eu\)](#), p. 69.

¹³⁷ [Final report REACH-CLP MS reporting 2020.pdf \(europa.eu\)](#), p. 76.

¹³⁸ European Commission, Final Report, on the operation of REACH and CLP, [Final report REACH-CLP MS reporting 2020.pdf \(europa.eu\)](#), p. 74.

¹³⁹ [Final report REACH-CLP MS reporting 2020.pdf \(europa.eu\)](#), p. 87- p. 88.

Figure 34: Percentage of non-compliance cases out of the total number of REACH and CLP checks during 2019 per Member State and compared to the EU average¹⁴⁰



2022 priority action

- Upgrade administrative capacities in implementation and enforcement towards a policy of zero tolerance to instances of non-compliance.

¹⁴⁰ European Commission, [Final Report, on the operation of REACH and CLP](#), pp.87-88, 2022.

4. Climate action

In line with the Paris Agreement and as part of the European Green Deal, the European Climate Law sets the EU target of reaching climate neutrality by 2050 and reducing greenhouse gas (GHG) emissions by 55% by 2030 compared to 1990. The law also limits the contribution that carbon removals can make towards emission reductions in 2030 to ensure a sufficient mitigation effort. The EU and its Member States submitted updated Nationally Determined Contribution (NDC) to the UNFCCC in December 2020.

The EU is working across all sectors and policies to cut GHG emissions and make the transition to a climate-neutral and sustainable economy, as well as addressing the unavoidable consequences of climate change.

EU climate legislation incentivises emissions reductions from power generation, industry, transport, the maritime sector and fluorinated gases (F-gases) used in products.

For road transport, EU legislation requires the GHG intensity of vehicle fuels to be cut by 6% by 2020 compared to 2010¹⁴¹ and sets binding GHG emission standards for different vehicle categories¹⁴².

Under the F-gas Regulation, the EU's F-gas emissions will be cut by two thirds by 2030 compared with 2014 levels.

From 2021, emissions and removals of GHGs from LULUCF have been included in the EU emission-reduction efforts.

The EU adaptation policy is an integral part of the European Green Deal. From 2021, Member States are required to report on their national adaptation policies¹⁴³, as the EU Climate Law recognises adaptation as a key component of the long-term global response to climate change. Member States will be required to adopt national strategies, and the EU will regularly assess progress as part of its overall governance on climate action. The updated EU adaptation strategy, published in February 2021, sets out how the EU can adapt to the unavoidable impacts of climate change and become climate resilient by 2050.

Key national climate policies and strategies

France has an integrated national energy and climate plan for 2021-2030. The work is consistent with the national low carbon strategy. The national objective is to become climate-neutral by 2050. In addition to setting out economy-wide greenhouse gas emission reduction targets, the long-term strategy sets carbon budget. These targets were first introduced in the climate plan (2017) and enshrined in the Climate and Resilience Law, thus making the strategy and the carbon budgets legally enforceable. Greenhouse gas emissions are decreasing

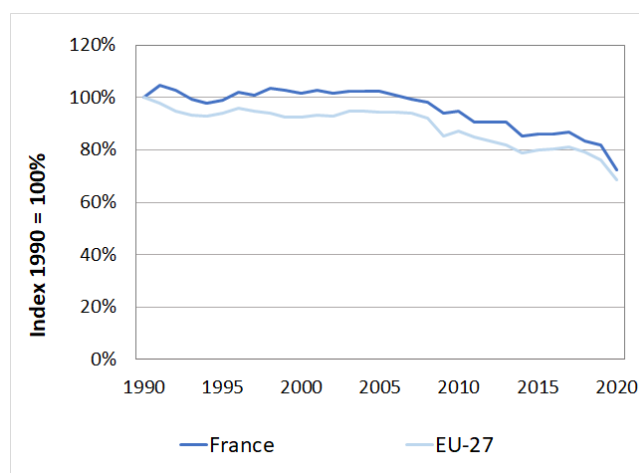
but further effort will be needed to match the increased ambition of the European Green Deal and the 2050 climate neutrality target set at national and EU level. As highlighted in the 2020 annual report of the High Council for Climate, emissions reduction in general continues to be too slow in France, which puts respecting the nationally determined carbon budgets at risk.

In its RRP, France allocates 46% of the funds to climate objectives and outlines crucial investments to further the green transition.

The first national adaptation strategy was published in 2006. In 2011, France adopted the national adaptation plan to climate change for 2011-2015. A consultation process in 2016 led to the preparation of the second national adaptation plan for 2018-2022. The 2006 strategy was considered to be still relevant according to those consulted.

Between 1990 and 2020, greenhouse gas emissions in France decreased by 27%, less than the EU average, in part due to its already significantly decarbonised power sector.

Figure 35: Total greenhouse gas emissions (incl. international aviation) in France, 1990-2020



Effort sharing target

For emissions not covered by the EU's emissions trading scheme (ETS), Member States have binding national targets under the Effort Sharing legislation^{144,145}. Under EU legislation, France has a target to reduce greenhouse gas emissions in the non-ETS sectors (buildings, road and

¹⁴¹ The [Fuel Quality Directive](#) (Directive 98/70/EC) sets strict quality requirements for fuels used in road transport in the EU to protect human health and the environment, and to make road travel across the EU safer.

¹⁴² Directive 98/70/EC.

¹⁴³ Article 29 of Regulation (EU) 2018/1999.

¹⁴⁴ Regulation (EU) 2018/842

¹⁴⁵ [Effort sharing 2021-2030: targets and flexibilities \(europa.eu\)](#)

domestic maritime transport, agriculture, waste and small industries) by 14% by 2020 and by 37% by 2030 compared to 2005. France overachieved its 2020 target. Emissions decreased in all sectors concerned, apart from road transport. In its national energy and climate plan, France intends to reduce emissions below its current Effort Sharing target for 2030 of -37%.

Figure 36: Emissions and targets under the Effort Sharing Decision/ Effort Sharing Regulation in France, 2020 and 2030 as percentage change from 2005

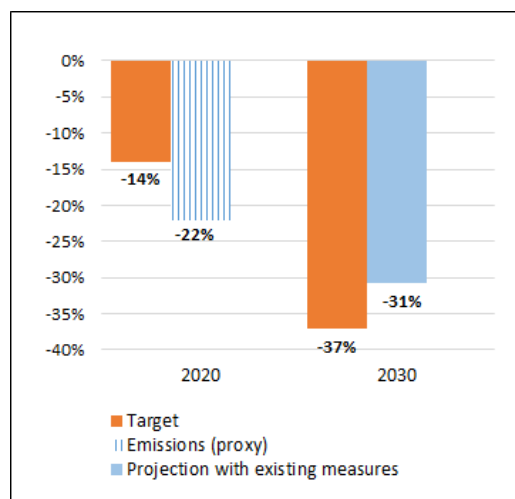
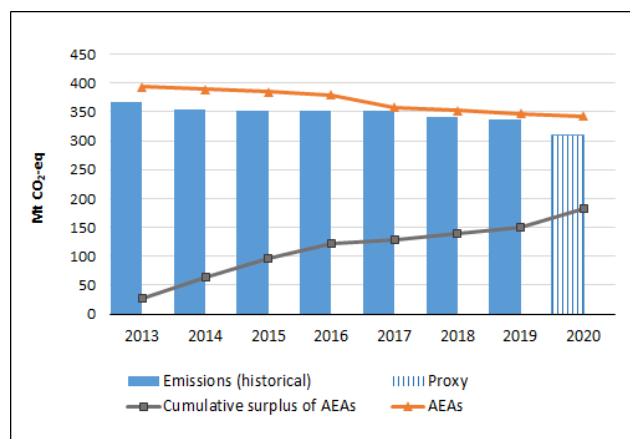


Figure 37: Emissions, annual emission allocations (AEAs) and accumulated surplus/ deficit of AEAs under the Effort Sharing Decision in France, 2013-2020



Key sectoral developments

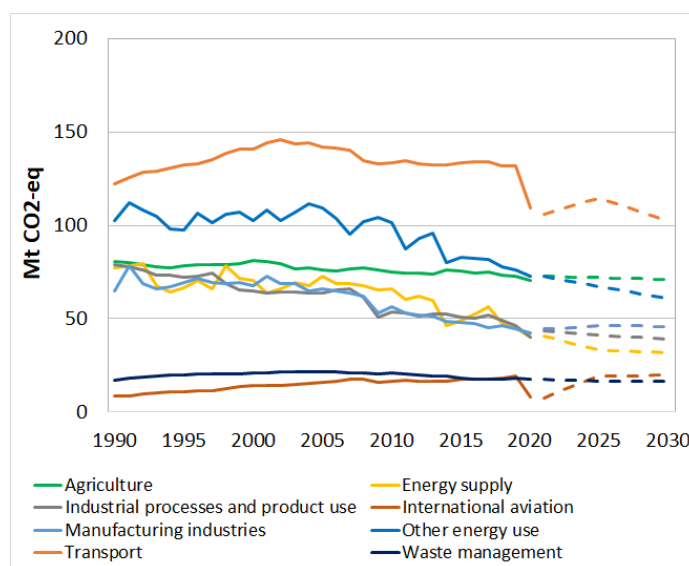
In **road transport**, the greenhouse gas intensity of vehicle fuels in France decreased by 4,5% from 2010 to 2019. The country needs to act swiftly to meet the current EU

reduction target of a 6% decrease by 2020 (compared to 2010). There are several types of action that Member States can take in this regard, for example: (i) further expanding the use of electricity in road transport; (ii) supporting the use of biofuels, and advanced biofuels in particular; (iii) incentivising the development and deployment of renewable fuels of non-biological origin; and (iv) reducing upstream emissions before refining processes.

Road transport in 2019 in France represented 27% of the country's total greenhouse gas emissions. Emissions of greenhouse gases from road transport have decreased by 7% compared to 2005. France intends to accelerate the electrification of transport, the use of alternative fuels, including hydrogen, and the development of batteries.

On agriculture, the non-CO₂ greenhouse gas emissions, such as methane emissions from livestock, continue to stagnate rather than decrease, and the sector is still not ready to start making significant emissions reductions.

Figure 38 : Greenhouse gas emissions by sector in France¹⁴⁶ – historical emissions 1990-2020, projections 2021-2030¹⁴⁷



To reduce emissions in the **buildings** sector, energy performance remains the biggest challenge.

In the **land use, land use change and forestry (LULUCF)** sector, France expects to see increasing net removals of CO₂ equivalent by 2030. Reported quantities under the Kyoto Protocol for France show net removals of, on average, -46.4 Mt CO₂-eq in 2013- 2019. France therefore contributes 13.5% to the EU-27's annual average carbon

¹⁴⁶ The sectors in the figure correspond to the following Intergovernmental Panel on Climate Change (IPCC) sectors: Energy supply: 1A1, 1B and 1C; Energy use in manufacturing industries: 1A2; Industrial processes and product use: 2; Transport: 1A3; Other energy

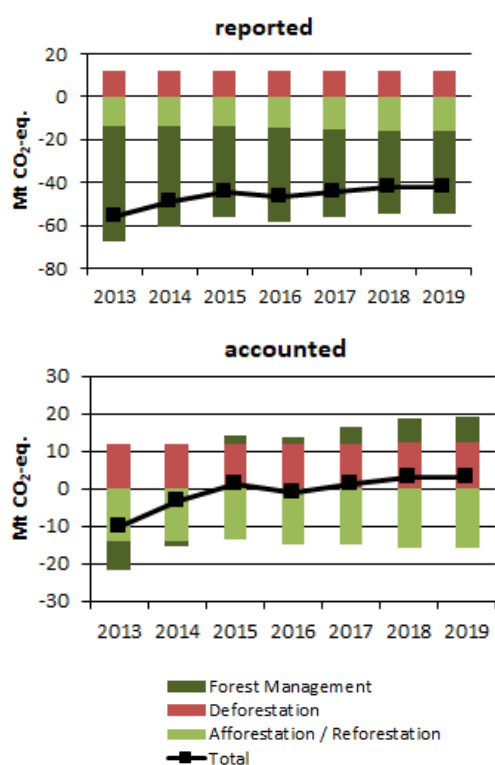
use: 1A4, 1A5 and 6; Agriculture: 3; Waste: 5; International aviation: 1.D.1.a.

¹⁴⁷ European Environment Agency, [Total GHG trends and projections](#).

'sink' of -344.9 Mt CO₂-eq. Using a separate measurement scheme, carbon accounting for the same period shows net average annual credits (i.e. the equivalent of carbon removals) of -0.8 Mt CO₂-eq, which corresponds to 0.7% of the EU-27 accounted sink of -115.0 Mt CO₂-eq. Reported net removals show a decreasing trend from 2013 to 2015, which levelled off after that. Accounted quantities show the same pattern, but it is more accentuated, with net credits in 2013, 2014 and 2016 and net debits in all other years. France is one of 14 Member States that show net debits for at least one year in this preliminary accounting exercise.

France's net land use and forestry sink have considerably decreased due to climate change impacts, increase of wood harvests and continued land sealing. France needs to implement additional measures and changes in its land management practices.

Figure 39: Reported and accounted emissions and removals from LULUCF in France¹⁴⁸



Use of revenues from the auctioning of EU ETS allowances

Total revenues from the auctioning of emission allowances in France under the EU ETS in 2012-2021 were EUR 5.1 billion. In France, the auctioning revenues co-fund energy efficiency improvements for low-income housing,

up to a ceiling of EUR 420 million a year. The remainder is not reserved but goes to the general budget, which includes climate and energy investments.

2022 priority actions

- Make transport more sustainable.
- Simplify the rules to carry out renewable energy projects because deployment of renewable energy infrastructure is progressing too slowly.
- Ensure that the agriculture sector is on a low-carbon pathway.

¹⁴⁸ The differences between reported and accounted emissions from LULUCF under the Kyoto Protocol are described in the *Explanatory note on LULUCF – accounted and reported quantities under the Kyoto Protocol*.

Part II: Enabling framework: Implementation tools

5. Financing

Environmental investment needs in the European Union

Financing environmental measures is essential for their success. Although most financing comes from national sources, various EU funds contribute significantly, helping to close the financing gaps.

Post-2020, environmental implementation will also be supported by the EU's COVID-19 Recovery Fund (via the RRF) and the 'do no significant harm' principle which runs across the EU budget. The renewed commitments made at COP26 (Glasgow, October-November 2021) and the Biodiversity Convention (April-May 2022)¹⁴⁹ will also be reflected in the EU budget.

Overall environmental investment gaps (EU27)

The EU's investment needs for the green transition cover a range of interlinked areas. The additional investment needs over the baselines (i.e. the gap between what is needed and what is forecast to be invested if no additional action is taken) for climate, energy and transport were estimated in 2021 at EUR 390 billion a year (EU-27)¹⁵⁰ with a further EUR 130 billion a year to deliver the EU's core environmental objectives¹⁵¹. The cost of climate adaptation can also be significant and are estimated to reach a total of EUR 35-62 billion (narrower scope) or EUR 158-518 billion (wider scope) a year¹⁵². Those investment needs reflect the implementation objectives to 2020 and to 2030 (except for climate adaptation, the costs of which are expected to last over a longer time horizon).

A preliminary update of the EU's core environmental investment gap is provided in Table 1¹⁵³. Almost 40% of the environmental investment needs relate to dealing with pollution, which accounts for almost 65% of the total gap if combined with water management. The investment gap in circular economy and waste is estimated to be between EUR 13-28 billion a year, depending on the level

of circularity implemented. The annual biodiversity financing gap is estimated at around EUR 20 billion.

Table 1: Estimated breakdown of the EU's environmental investment needs, by environmental objective, 2021-2030 (per year)¹⁵⁴

| Environmental objective | Estimated investment gap (EU-27, p.a.) | |
|--|--|-------------|
| | EUR billion | % |
| Pollution prevention & control | 42.8 | 39% |
| Water management & industries | 26.6 | 24% |
| Circular economy & waste | 13.0 | 12% |
| Biodiversity & ecosystems ¹⁵⁵ | 21.5 | 20% |
| Research, Development & Innovation | 6.2 | 6% |
| Total | 110.1 | 100% |

Environmental investment needs in France

There is a clear shift of investment priorities in France to support climate policies. Climate investment priorities address the needs or 'investment gaps' in a wide set of economic sectors such as the energy renovation of housing, e-mobility, and transportation infrastructures.

In 2020, France's, climate-related investments increased by 10% and amounted to EUR 45 billion compared to 2019. Despite this increase, an obvious investment gap remains to meet the objectives set out in the national low-carbon strategy and the multiannual energy programming. By

¹⁴⁹ [The Convention on Biological Diversity \(cbd.int\); Post-2020 Global Biodiversity Framework | IUCN.](https://www.cbd.int/postes/post-2020-global-biodiversity-framework)

¹⁵⁰ SWD(2021)621, accompanying proposal COM(2021)557 to amend the REDII Directive (EU) 2018/2001.

¹⁵¹ SWD(2020) 98 final/2.

¹⁵² SWD(2018)292. Impact assessment accompanying the Proposal for the LIFE Regulation (COM(2018)385).

¹⁵³ With decreases due to Brexit and some reconciliation among the objectives.

¹⁵⁴ European Commission, DG Environment, 'Study supporting EU green investment needs analysis' (ongoing, 2021-2023) and DG Environment

internal analysis 'Environmental Investment needs and financing in the EU's green transition', July 2020.

¹⁵⁵ To meet the needs of the 2030 biodiversity strategy (Natura 2000, green infrastructure), at least EUR 20 billion a year should be unlocked for nature (COM/2020/380 final), while fully covering the strategy (including restoration) may require EUR 30-35 billion, indicating a gap of EUR 10-20 billion a year compared to current baseline expenditure.

2023, an additional EUR 13-15 billion in public and private investment is needed per year for France to be able to bridge the gap¹⁵⁶.

Pollution prevention and control

The EU's first Clean Air Outlook¹⁵⁷ under the clean air programme estimated that, to reach the emissions reduction requirements (ERRs) in the NECD by 2030¹⁵⁸, total air pollution control costs for France would be equivalent to EUR 9 billion a year. This includes EUR 5.1 billion for capital investment (assuming France achieves the 2030 climate and energy targets)¹⁵⁹.

The second Clean Air Outlook suggests¹⁶⁰ that the EU would largely achieve the reductions of air pollutant emissions that correspond to the obligations under the NECD for 2030 if: (i) all relevant legislation adopted up to 2018 is implemented (including all air pollution and the 2030 climate and energy targets set in 2018); and (ii) Member States also implemented the measures announced in their national air pollution control programmes. The only exception is for ammonia for 15 Member States, excluding France.

Compared to 2018 emission levels, France and 14 other Member States will need to reduce their NOx emissions by more than 30% compared to 2018.

Water management

France has made good progress in complying with the Urban Waste Water Treatment Directive (UWWTD) by satisfactorily implementing the required measures to achieve good status. In France, 70-100% of the objectives have been met for 312 river basis district (RBDs).¹⁶¹ The OECD estimates that France spent approximately EUR 16 billion on water supply and waste water every year between 2011 and 2015 (total expenditure)¹⁶². Until 2030, the additional cumulative investment need for France over its baselines was estimated at EUR 20.5 billion

(around EUR 2.1 billion a year), with over 90% of that for waste water. Moreover, the recent 6th Water Framework Directive and Floods Directive Implementation Report¹⁶³ and the financial - economic study¹⁶⁴ accompanying it, are also a relevant source of information in this domain.

Waste and the circular economy

According to a Commission study¹⁶⁵, if France is to meet its recycling targets for municipal waste and packaging waste, it still needs to invest an additional EUR 3 514 billion (around EUR 500 million a year) over its baselines in 2021-2027 in: collection, recycling reprocessors, biowaste treatment, waste sorting facilities, and waste registry digitalisation. This does not include the investment necessary in other key waste streams (plastics, textile, furniture) or the investment needed to increase circularity and waste prevention across the economy.

Biodiversity and ecosystems

Prioritised action frameworks (PAFs) adopted by the Member States under Article 8 of the Habitats Directive present: (i) the conservation priorities for the Natura 2000 network and its supporting green infrastructure; (ii) the costs of these conservation priorities; and (iii) planned funding sources for biodiversity and ecosystems in the period corresponding to the current multiannual financial framework (MFF) for 2021-2027. For France, the total identified needs amount to EUR 651.4 million a year¹⁶⁶. This excludes additional costs to implement the biodiversity strategy to 2030, including those for increased protection and restoration.

A recent study from the French Treasury (DG Trésor) shows that 44% of the country's economic value added is strongly or very strongly dependent on natural capital. The study's conclusions will help inform international decisions for the post-2020 global biodiversity framework and COP15¹⁶⁷.

¹⁵⁶ IACE, Landscape of Climate Finance in France, *Landscape of climate finance in France*, IACE, 2021.

¹⁵⁷ International Institute for Applied Systems Analysis (IIASA), *Progress towards the achievement of the EU's air quality and emissions objectives*, 2018.

¹⁵⁸ Covering the reductions of and the emission ceilings for five atmospheric pollutants, SOx, NOx, PM_{2.5}, NH₃ and VOC, by 2030, compared to 2005. Requirements are based on [Directive \(EU\) 2016/2284](#).

¹⁵⁹ [Directive \(EU\) 2016/2284](#).

¹⁶⁰ [COM\(2021\) 3 Final](#) and [Report Annex](#).

¹⁶¹ Implementation of the Water Framework Directive (2000/60/EC), the Environmental Quality Standards Directive (2008/105/EC amended by Directive 2013/39/EU) and the Floods Directive (2007/60/EC): [Report-implementation-WaterFrameworkDirective.pdf](#).

¹⁶² OECD, *Financing a Water Secure Future*, 2022. Country Fact Sheet France, [Country Fact Sheet France](#), p. 4.

¹⁶³ [WFD and Floods Directive Implementation Reports](#) – DG Environment – European Commission.

¹⁶⁴ European Commission, Directorate-General for Environment, [Economic data related to the implementation of the WFD and the Floods Directive and the financing of measures](#), Final report. Publications Office, 2021.

¹⁶⁵ European Commission, *Study on investment needs in the waste sector and on the financing of municipal waste management in Member States*, 2019.

¹⁶⁶ The N2K Group, *Strengthening investments in Natura 2000 and improving synergies with EU funding instruments report to the European Commission*, 2021.

¹⁶⁷ [Post-2020 Global Biodiversity Framework | IUCN](#).

EU environmental funding 2014-2020

The MFF for 2014-2020 allocated almost EUR 960 billion (in commitments, 2011 prices)¹⁶⁸ for the EU to spend over this period. The commitment in the 2014-2022 MFF to the green transition included a 20% climate spending target. It also included funding opportunities for the environment, in particular, under the European Structural and Investment (ESI) Funds¹⁶⁹. The 2014-2020 MFF budget was subsequently topped up with over EUR 50 billion (in current prices) from the REACT-EU programme (Recovery Assistance for Cohesion and the Territories of Europe) for cohesion policy action against COVID-19¹⁷⁰.

France received EUR 35.11 billion from the ESI Funds in 2014-2020 to invest in job creation and a sustainable and healthy European economy and environment. The planned direct environmental investment amounted to EUR 2.21 billion with further EUR 967.5 million identified as indirect environmental investment value, totaling to EUR 3.18 billion. Figure 41 gives an overview of (planned) individual ESI Funds earmarked for France (EU amounts, without national amounts).

Figure 40: ESI Funds allocated to France, including environmental investments,, 2014-2020¹⁷¹

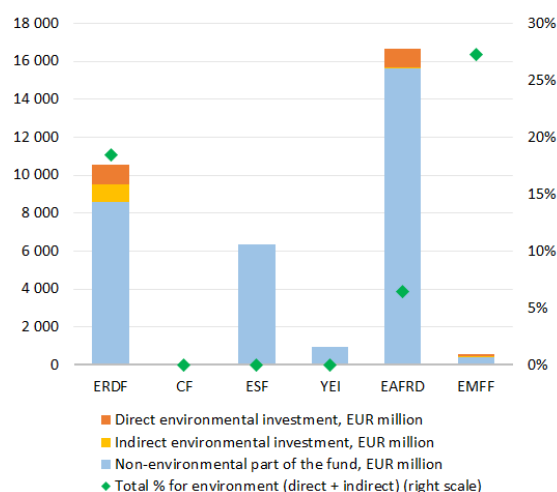


Table 2: Direct and indirect environmental investments under the ESI Funds in France, 2014-2020¹⁷²

| Instrument | Allocations for the environment (EUR million) |
|---|---|
| Under Cohesion policy (ERDF) | 1 945.6 |
| <u>Direct environmental investments</u> | <u>1 030.5</u> |
| water | 220.0 |
| waste | 119.2 |
| biodiversity and nature | 264.1 |
| land rehabilitation | 139.4 |
| climate and risk management | 287.9 |
| <u>Indirect environmental investments</u> | <u>915.1</u> |
| renewable energy | 168.2 |
| energy efficiency | 319.1 |
| other energy ¹⁷³ | 11.9 |
| sustainable transport | 293.8 |
| sustainable tourism | 55.3 |
| business development, R&I | 66.7 |
| Under EAFRD/rural development | 1 074.9 |

¹⁶⁸ Council Regulation (EU, Euratom) No 1311/2013.

¹⁶⁹ The European Structural and Investment (ESI) Funds include the European Regional Development Fund (ERDF), the Cohesion Fund (CF), the European Social Fund (ESF) with the Youth Employment Initiative (YEI), the European Agricultural Fund for Rural Development (EAFRD) and the European Maritime and Fisheries Fund (EMFF).

¹⁷⁰ Regulation (EU) 2020/2221.

¹⁷¹ European Commission, DG Environment – Data analysis, DG Environment analysis based on ESI Funds Open Data Portal (cohesiondata.ec.europa.eu), [Integration of environmental concerns in Cohesion Policy Funds \(COWI, 2017\)](#), [Regulation \(EU\) No 1303/2013](#), [Regulation \(EU\) 2021/1060](#) and [Implementing Regulation \(EU\) No 215/2014](#). Cut-off date for data: December 2021. Environmental investments here are captured via the combined use of intervention fields and coefficients under Regulation (EU) No 1303/2013 and Regulation (EU) 2021/1060 allowing for a more precise identification and valuation of relevant environmental investments. N.B.

Indirect environmental investments are valued using the Annex I environmental coefficients of the Regulation (EU) 2021/1060 (as opposed to full value).

¹⁷² European Commission, DG Environment - Data analysis. The values of environmental investments identified here in the specific environmental areas may differ from the tracking values at cohesiondata.ec.europa.eu, e.g. for [clean air](#) or [biodiversity](#), due to two factors: the set of environmental coefficients used and the range of funds assessed. DG Environment's analysis covered the full range of ESI Funds.

¹⁷³ Intelligent energy distribution systems (smart grids) and high efficiency co-generation and district heating, based on intervention field 53 and 54 respectively (with 40% environmental coefficients) of Regulation (EU) 2021/1060, Annex I.

| | |
|--|----------------|
| <u>Direct environmental investments</u> | <u>1 023.7</u> |
| water | 181.2 |
| climate and risk management | 842.5 |
| <u>Indirect environmental investments</u> | <u>51.2</u> |
| renewable energy | 23.3 |
| energy efficiency | 27.9 |
| Under EMFF | 160.4 |
| <u>Direct environmental investments</u> | <u>159.2</u> |
| environment protection & resource efficiency | 159.2 |
| <u>Direct environmental investments</u> | <u>1.2</u> |
| business development, R&I | 1.2 |
| Under ESI Funds total | 3 180.9 |
| Direct environmental investments | 2 213.4 |
| Indirect environmental investments | 967.5 |

Funding for the environment from the ESI Funds has also been supplemented by other EU funding programmes available to all Member States such as the LIFE programme, Horizon 2020, or European Investment Bank (EIB) financing. This amounts to an estimated total of EUR 5.7 billion of EU financing for France in 2014-2020.

The LIFE programme¹⁷⁴ is entirely dedicated to environmental and climate objectives. It finances demonstration and best-practice actions for green solutions to be deployed. In 2014-2020, France received EU support for 41 LIFE projects (for nature and environment) worth EUR 126.2 million (out of 1 028 EU-27 LIFE projects with a total EU contribution of EUR 1.74 billion)¹⁷⁵.

In 2014-2020, Horizon 2020 allocated about EUR 156.9 million to France for the environment which is 2.1% for environment out of France's total allocation¹⁷⁶. The Horizon 2020 funds directed at French environmental projects focused, in particular, on the circular economy, climate action, natural resources and ecosystems.

From the European Fund for Strategic Investments (EFSI), France received EUR 826.0 million for direct environmental investments and EUR 150.2 million for indirect environmental investments. France, therefore,

received a total of EUR 976.2 million for environmental investments out of its total allocation of EUR 9.6 billion¹⁷⁷.

From the EIB, France received EUR 1.35 billion for direct environmental investments specifically for water, sewerage and waste. Total EIB loans for the country amounted to EUR 53.03 billion¹⁷⁸. France ranks third in the amount of total EIB lending it received in this period.

In 2020, the EIB provided EUR 24.2 billion in funding across Europe to fight climate change, 37% of its total financing. It is also provided EUR 1.8 billion (3% of its financing) for broader environmental lending¹⁷⁹.

EU environmental funding 2021-2027

The 2020 European Green Deal investment plan calls for EUR 1 trillion in green investments (public and private) to be made across the EU by 2030. The 2021-2027 MFF and the NextGenerationEU spending programme will mobilise EUR 2.018 trillion (in current prices) to support the recovery from COVID-19 and the EU's long-term priorities, including environmental protection¹⁸⁰. Following the Green Deal's¹⁸¹ pledge to 'do no harm' and the Interinstitutional Agreement on the 2021-2027 MFF¹⁸², 30% of the EU budget in 2021-2027 will support climate efforts, while biodiversity will receive 7.5% of the EU budget as of 2024 and 10% as of 2026. Reaching the biodiversity targets requires increased programming of financial resources, specifically under the 2021-2027 cohesion policy and the 2023-2027 CAP.

Sustainable finance significantly increases transparency on environmental sustainability (a goal promoted by the EU Taxonomy)¹⁸³. It also strengthens non-financial reporting requirements and facilitates the issuance of green bonds (by developing the EU Green Bond Standard¹⁸⁴). Reinforced by the renewed sustainable finance strategy (2020)¹⁸⁵, sustainable finance will increase investment flows to climate and the environment. The new strategy on adaptation to climate change¹⁸⁶ can help close the insurance protection gap, which currently leaves many risks from uninsured climate-related events¹⁸⁷. The EIB will align 50% of its lending for

¹⁷⁴ European Commission, [LIFE Programme](#).

¹⁷⁵ [LIFE \(europa.eu\)](#).

¹⁷⁶ Source: <https://sc5.easme-web.eu/>.

¹⁷⁷ [Approved and signed EFSI financing](#) – EIB, 2015-2020.

¹⁷⁸ EIB loans in EU countries in 2014-2020. Source: EIB Open Data Portal: <https://www.eib.org/en/infocentre/eib-open-data.htm>

¹⁷⁹ [EIB 2020 Activity Report](#). The EIB Group jointly works with the European Commission in implementing several programmes that finance environmental implementation: InvestEU, the successor of EFSI, Pillar II and III of the Just Transition Mechanism. The EIB Group is a key implementing partner for InvestEU with responsibility for managing 75% of the overall budgetary capacity of the mandate.

¹⁸⁰ European Commission, [2021-2027 long-term EU budget & NextGenerationEU](#).

¹⁸¹ [COM/2019/640 final](#).

¹⁸² [Interinstitutional Agreement, OJ L 433I](#).

¹⁸³ https://ec.europa.eu/info/business-economy-euro/banking-and-finance/sustainable-finance/eu-taxonomy-sustainable-activities_en

¹⁸⁴ [EU Green Bond Standard](#) - 2021/0191 (COD).

¹⁸⁵ COM (2021) 390 Final - European Commission, Strategy for Financing the Transition to a Sustainable Economy.

¹⁸⁶ [COM\(2021\) 82 final](#).

¹⁸⁷ The strategy would support improved coverage of the insurance gap including through the natural catastrophe markets as reflected with the EIOPA (European Insurance and Occupational Pensions Authority) dashboard on the insurance protection gap for natural catastrophes. See:

climate and environmental projects by 2025¹⁸⁸, with a EUR 250 billion contribution to the Green Deal investment plan by 2027.

Table 3 gives an overview of the EU funds earmarked for France in 2021-2027. These funds are supplemented by other EU funding programmes available to all Member States.

Table 3: Key EU funds allocated to France (current prices), 2021-2027

| Instrument | Country funding allocation (million EUR) |
|--|--|
| Cohesion policy | Total: 16 852.8 ¹⁸⁹ |
| ERDF | 9 070.4 |
| ESF+ | 6 674.8 |
| ETC (ERDF) | 1 107.6 ¹⁹⁰ |
| Just Transition Fund | 1 030.1 ¹⁹¹ |
| EAFRD/rural development | 7 297.2 ¹⁹³ |
| under 2023-2027 CAP strategic plans ¹⁹² | |
| European Maritime, Fisheries and Aquaculture Fund (EMFAF) | 567.1 ¹⁹⁴ |
| Recovery and Resilience Facility (RRF) | 39 400 ¹⁹⁶ (grants) |
| 2021-2026 ¹⁹⁵ | |

In France, programming for most EU funds (cohesion policy funds, EAFRD and the European Maritime, Fisheries and Aquaculture Fund) is ongoing. However, negotiations have been concluded under the RRF.

As part of the EU's recovery package, France requested EUR 39.4 billion in grants through the RRF. 46% of the RRF funding to France is for measures that contribute to climate and environmental objectives. This is in line with the average expenditure of 45.3% for climate measures in the RRFs across the EU Member States. France has also

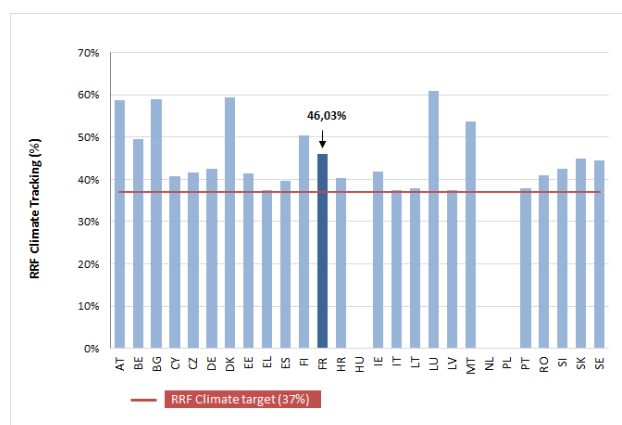
gone beyond the 37% climate expenditure target, the minimum level required under the RRF¹⁹⁷.

Some examples of how RRF funding will be used are described below.

- Under Component 1 of the RRP, the renovation of buildings includes investment in the energy efficiency of public buildings and other buildings (private residential buildings, social housing and small and medium-sized companies). It also provides for drawing up environmental rules for constructing new buildings.
- Component 3 (Infrastructure and Green mobility) aims to reduce traffic congestion and air pollution. Investment includes: (i) industrialising electric batteries for the transport sector; (ii) renewing the local public transport fleets with clean vehicles; and (iii) promoting the shift to clean urban modes of transport (e.g. metros, cycle lanes, tramways).
- As part of a green budget, a standardised and comprehensive information framework showing the environmental impact of the government budget will be proposed to the French Parliament and civil society¹⁹⁸.

Payments from the RRF will be made in the form of grants to 2026 for the nine components of the recovery and resilience plan⁹⁴. The plan: (i) ensures direct action at local level for the green transition; (ii) protects or restores the environment; and (iii) complies with the 'do no significant harm principle'¹⁹⁹.

Figure 41: Climate expenditure in RRFs, 2021-2026²⁰⁰



[The pilot dashboard on insurance protection gap for natural catastrophes | Eiopa \(europa.eu\).](#)

¹⁸⁸ EIB Climate Bank Roadmap 2021-2025, November 2020.

¹⁸⁹ European Commission, [2021-2027 Cohesion policy EU budget allocations](#).

¹⁹⁰ Interreg initial allocations per Member State including ETC transnational, ETC cross-border cooperation and ETC outermost.

¹⁹¹ European Commission, [2021-2027 Cohesion policy EU budget allocations](#).

¹⁹² European Commission, [CAP strategic plans](#).

¹⁹³ Regulation (EU) 2021/2115, Annex XI.

¹⁹⁴ Regulation (EU) 2021/1139, Annex V.

¹⁹⁵ The actual reforms and investments under the RRF have to be implemented up until 31 December 2026.

¹⁹⁶ Council Implementing Decision, FIN 523.

¹⁹⁷ [NextGenerationEU - Recovery and Resilience plans \(ngeutracker.org\)](#).

¹⁹⁸ French recovery and resilience plan measure (C3,R2).

¹⁹⁹ [European Commission, Technical Guidance on the DNSH Principle](#).

²⁰⁰ European Commission. The contributions to climate objectives have been calculated using Annex VI of the RRF Regulation (EU) 2021/241.

Under NextGenerationEU, the Commission will issue up to EUR 250 billion of EU green bonds (one third of all bonds issued under NextGenerationEU) until 2026 that will comply with the general spirit of the 'do no significant harm' principle. However, this EUR 250 billion in green bonds will not be subject to the currently developed delegated acts related to the EU Taxonomy. They will not fully align with the proposed EU standard for green bonds.

In addition to EU funds earmarked specifically for France in 2021-2027, there are also funding programmes that can be accessed at EU level and are open to all Member States. These include the LIFE programme (EUR 5.4 billion), Horizon Europe (EUR 95.5 billion)²⁰¹, the Connecting Europe Facility²⁰² (EUR 33.7 billion)²⁰³ and the funds to be mobilised via InvestEU²⁰⁴. These other sources of funding will also support the green transition, including through research and innovation activities for environmental protection (Horizon Europe)²⁰⁵, clean transport and energy (the Connecting Europe Facility)²⁰⁶ and sustainable infrastructure (InvestEU)²⁰⁷.

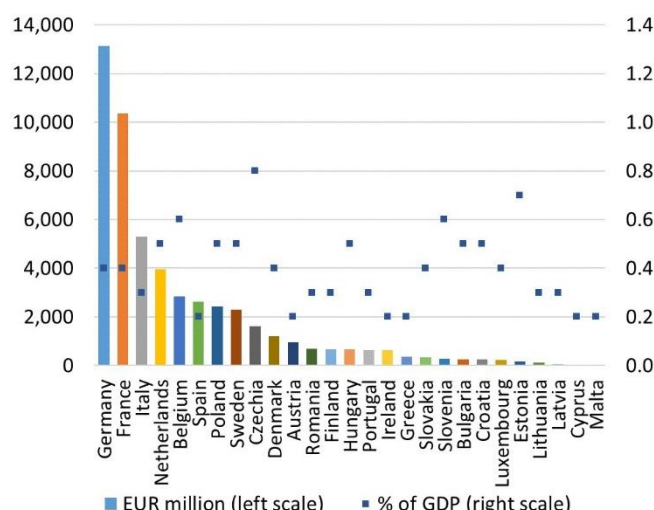
National environmental protection expenditure

Total national expenditure on environmental protection (including all relevant current and capital expenditure)²⁰⁸ in the EU-27 was EUR 272.6 billion in 2020, representing 2% of the EU-27 GDP. This percentage has remained quite stable over time. Although the largest absolute amounts of expenditure are concentrated in a few countries, most countries spend between 1-2% of their GDP on environmental protection, with France spending 1.9% of its GDP.

Of this spending, the EU-27's capital expenditure on environmental protection (i.e. investment) amounted to EUR 56.3 billion in 2018, failing to EUR 54.5 billion in 2020, representing around 0.4% of EU-27 GDP. Most Member States invested 0.2-0.5% of their GDP in environmental protection. France invested 0.4% of its GDP in

environmental protection in 2020. In 2014-2020, this totalled around EUR 376 billion in environmental investment in the EU-27, and EUR 68.3 billion for France.

Figure 42: Direct and indirect environmental protection investments in the EU27 (EUR million and % of GDP), 2018²⁰⁹



By institutional sector, around 60% of France's investment in environmental protection (capital expenditure) came from the general government, 18% came from specialist producers (of environmental protection services, e.g. waste and water companies), and 25% came from businesses not specialised in environmental protection. At EU level, the spread is more balanced: 37% comes from governments, 33% from specialist producers, and 30% from businesses not specialised in environmental protection.

²⁰¹ European Commission, [Multiannual financial framework 2021-2027 \(in commitments\) - Current prices](#).

²⁰² The CEF (Transport) also includes EUR 11.3 billion transferred from the Cohesion Fund. 30% of the transferred amount will be made available, on a competitive basis, to all Member States eligible for the Cohesion Fund. The remaining 70% will respect the national envelopes until 31 December 2023. Any amount under national envelopes that is unspent by that date will support all the Cohesion Fund's Member States.

²⁰³ [Regulation \(EU\) 2021/1153](#).

²⁰⁴ The InvestEU Fund is set to mobilise over EUR 372 billion of investment through an EU budget guarantee of EUR 26.2 billion to back the investment of financial partners such as the European Investment Bank (EIB) Group and others.

²⁰⁵ European Commission, [Horizon Europe](#).

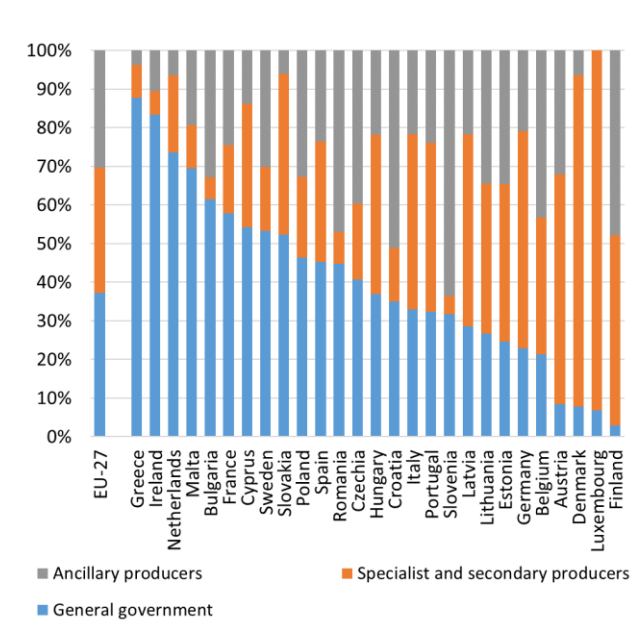
²⁰⁶ European Commission, [Connecting Europe Facility](#).

²⁰⁷ European Union, [InvestEU](#).

²⁰⁸ At economy level, including final consumption, intermediate consumption and capital expenditure of households, corporations and governments related to environmental protection goods and services. It excludes EU funds, although it may include some international expenditure beyond strictly domestic expenditure. Data source: Environmental Protection Expenditure Accounts (EPEA), Eurostat. EPEA accounts are based on the [CEPA 2000 classification](#), excluding climate, energy and circular economy.

²⁰⁹ Eurostat, [Environmental Protection Expenditure Account](#), 2021.

Figure 43: EU-27 Member States' environmental protection investments (Capex) by institutional sectors (Total economy = 100%), 2018²¹⁰



A breakdown of investment by environmental topic is partially available, but only at the level of institutional sectors (instead of at economy level), due to different reporting patterns across the sectors.

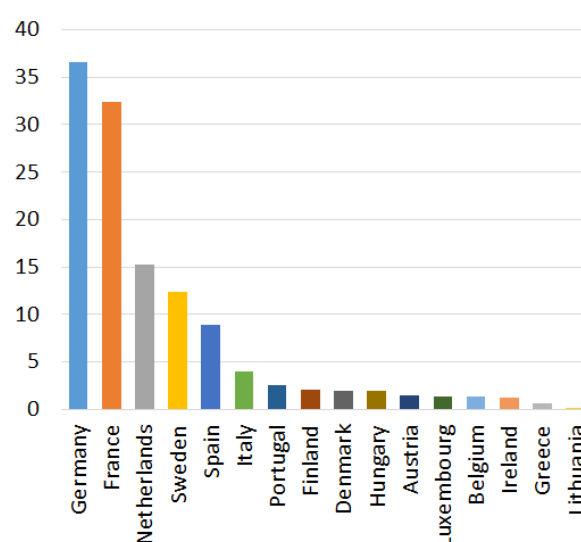
At France's general government level in 2018, 56% of environmental protection investments went to waste water, 18% to waste management and 10% to biodiversity. For the country's specialist producers of environmental protection services, around half of the investments were in waste water and over a third in waste management. For businesses not involved in the specialist production of environmental protection services, investment shares included 22% in air protection, 39% in water and soil protection, and 18% in environmental R&D.

In 2020, the total annual issuance of green bonds (including some non-EU countries)²¹¹ was USD 156 billion (EUR 137 billion), up from USD 117 billion (EUR 105 billion) in 2019. Looking only at EU-27 Member States, green bond issuance in 2020 was EUR 124 billion²¹². In 2014-2020, 83% of the green bonds issued by European countries served objectives in energy, buildings or transport, while 8% supported water and waste, with a further 6% supporting sustainable land use, with links to ecosystem conservation and restoration. These data are based on the climate

bonds taxonomy, which is broadly similar to the EU Taxonomy²¹³.

France has been active on the green bond market and issued more than EUR 32.4 billion in bonds in 2020. In March 2021, the French government issued green bonds with a maturity of 23 years. This followed on from the issuance of EUR 9.7 billion of sovereign green bonds in 2017 and issuances of bonds led by three French regions in 2012. The issuances of green bonds in 2021 amounted to EUR 7 billion. Overall, France contributed to the EU-27's total 2020 green bond issuance with a value of EUR 25 billion and is third in the global green bond market ranking.

Figure 44: Annual EU green bond issuance in 2020 (EUR billion)²¹⁴



Green budget tools

Green taxation and tax reform

France's revenue from environmentally-related taxes in absolute amounts was one of the highest in the EU in 2020. However, when compared to GDP (2.18%), it was slightly below the EU average (2.24%) (see Figure 46). Within this, energy taxes accounted for 84%, while the share of transport taxes (10.8%) remained below the EU average (19%). Pollution and resource taxes accounted for

²¹⁰ Eurostat, Environmental Protection Expenditure Accounts (env_epe).

²¹¹ Green bonds were created to fund projects that have positive environmental and/or climate benefits. Most green bonds issued are green 'use of proceeds' or asset-linked bonds. The very first green bond was issued in 2007 with a AAA-rated issuance from multilateral institutions, the European Investment Bank (EIB) and the World Bank.

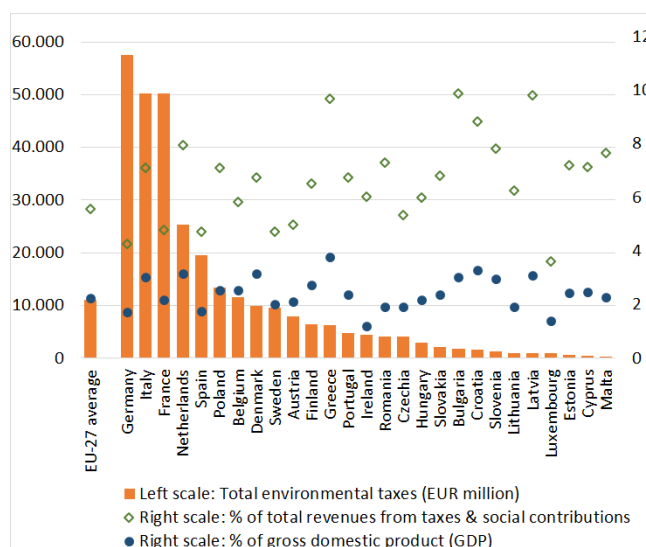
²¹² [Climate Bonds Taxonomy](#). USD value is converted via Eurostat's annual average EUR/USD exchange rates.

²¹³ Interactive Data Platform at www.climatebonds.net. Climate Bonds Taxonomy: <https://www.climatebonds.net/standard/taxonomy>.

²¹⁴ [Climate Bonds Initiative](#), 2022.

5.3% of total environmental tax revenue, which was above the EU-average of 3.6%.

Figure 45: Environmental taxes in the EU-27, 2020²¹⁵



The 2019 European Green Deal underlines that well-designed tax reforms can boost economic growth and resilience, foster a fairer society and promote a just transition. Tax reforms can contribute to this sending the right price signals and incentives to economic actors. The Green Deal creates the context for broad-based tax reforms, the removal of fossil fuel subsidies, and a shift in the tax burden from labour to pollution. It achieves this while simultaneously taking account of social considerations²¹⁶. The Green Deal promotes the ‘polluter pays principle’²¹⁷ which stipulates that polluters should bear the cost of measures to prevent, control and remedy pollution. The polluter pays principle is facilitated by the Commission’s Technical Support Instrument (TSI) project on greening taxes, in which France participates²¹⁸. In France, taxes on fertilisers and intensive agriculture have been highlighted as polluter pays economic instruments²¹⁹.

Environmentally-harmful subsidies

Addressing and removing environmentally-harmful subsidies (EHS) is a further step towards wider fiscal reforms²²⁰. Fossil fuel subsidies are costly for government budgets and undermine the green transition. They often work against incentives for investments in green technologies, and do not contribute to levelling the playing field. Fossil fuel subsidies vary around EUR 55 billion in the EU since 2015. As a share of GDP, this ranges from 1.2% in Hungary to less than 0.1% in Luxembourg (the EU average is 0.4%). Despite positive developments in some Member States (Latvia, Lithuania, Sweden, Greece and Ireland), energy subsidies, especially fossil fuel subsidies, continue to adversely affect reaching climate neutrality and the broader Green Deal objectives, such as better air quality and health.

In France, the trend was similar with an overall increase in fossil fuel subsidies²²¹. Based on the EU’s Energy Union data, France’s total fossil fuel subsidies amounted to EUR 11.5 billion in 2019, representing 0.48% of GDP, slightly above the EU average.

In 2020, the EU-27’s total amount of fossil fuel subsidies fell to EUR 52 billion due to reduced consumption caused by COVID-19 restrictions. However, without action by Member States, these subsidies are likely to rebound as economic activity picks up²²².

Figure 46 shows further details on fossil fuel subsidy trends in France, based on OECD data. This data shows fossil fuel subsidies amounting to 0.34% of GDP in 2020, with petroleum products representing the largest component.

²¹⁵ Eurostat, Environmental taxes accounts (env_eta).

²¹⁶ COM(2019/640 final), p.17.

²¹⁷ Article 191(2) of the Treaty on the Functioning of the European Union: states that ‘Union policy on the environment (...) shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay’.

²¹⁸ European Commission, [Greening taxes- applying polluter pays principle in practice](#).

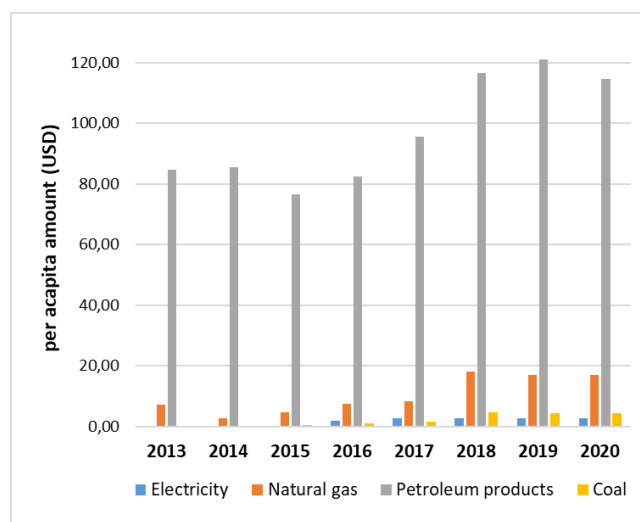
²¹⁹ European Commission, [Green taxation and other economic instruments](#), 2021.

²²⁰ European Commission, *Study on Assessing the Environmental Fiscal Reform Potential for the EU28*, January 2016 [Eunomia EFR Final Report MAIN REPORT.pdf \(europa.eu\)](#).

²²¹ European Commission, *2020 Report on State of the Energy Union*, COM(2020) 950 final, Annex 2.

²²² State of the Energy Union report, [COM\(2021\) 950](#) and [Annex](#).

Figure 46: Trends in natural gas, petroleum products, electricity and coal subsidies in France²²³



| % GDP | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 |
|-------------|------|------|------|------|------|------|------|------|
| Electricity | 0.00 | 0.00 | 0.00 | 0.00 | 0.01 | 0.01 | 0.01 | 0.01 |
| Natural gas | 0.02 | 0.01 | 0.01 | 0.02 | 0.02 | 0.04 | 0.04 | 0.04 |
| Petroleum | 0.19 | 0.19 | 0.20 | 0.22 | 0.24 | 0.27 | 0.29 | 0.28 |
| Coal | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.01 | 0.01 | 0.01 |

The ‘polluter pays principle’ is a principle of EU environmental law enshrined in Article 191 of the European Treaties²²⁴. The principle means that polluters bear the costs of their pollution including the cost of measures taken to prevent, control and remedy pollution and the costs it has on society. The European Court of Auditors believes that, while the principle is generally reflected in the EU’s environmental policies, its coverage is not fully satisfactory. In addition, the principle is applied unevenly across sectors and Member States²²⁵.

Examples of subsidies and taxation measures: In 2015, France introduced a carbon tax on energy products, with certain exemptions to protect energy intensive sectors from the increase in excise tax rates on fossil fuels (see EIR 2019). On environmental taxation, France has made

progress with recent tax benefits for buying electric cars²²⁶. France put in place feed-in tariffs to accelerate investment in biomass, geothermal, ocean, and waste projects²²⁷. The recovery and resilience plan does not include measures or reforms to remove harmful fuel subsidies or increase environmental taxation²²⁸. At the COP 26 climate summit in Glasgow (November 2021), France signed the declaration, which brings forward the country’s target to end overseas fossil fuel funding from 2035 to 2022.

Current green budgeting practices

‘Green budgeting’ encompasses various climate and environmental tagging²²⁹ and tracking practices in budgets. Some Member States already use certain green budgeting practices²³⁰. Green budgeting helps identify and track green expenditure and green revenues to increase transparency on how green budgetary policies are. This is aimed at improving policy coherence and supporting green policies (including climate and environmental objectives)²³¹.

The Commission has also drawn up climate-proofing and sustainability-proofing guidance as tools to assess project eligibility and a project’s compliance with environmental legislation and criteria²³². The Commission developed a green budgeting reference framework²³³ and launched a TSI project on green budgeting in 2021 to help Member States develop national green budgeting frameworks to improve policy coherence and support the green transition. France participated in the Commission’s green budgeting project, which started in 2021.

In France, the green budgeting framework is based on six environmental strands, which are aligned with the objectives of the EU Taxonomy²³⁴ in annexes to its Budget Law, France reported EUR 35 billion in green expenditure compared to EUR 109 billion planned for 2020²³⁵.

²²³ OECD, [Fossil Fuel SubsidyTracker](#).

²²⁴ Article 191(2) of the Treaty on the Functioning of the European Union states that ‘Union policy on the environment (...) shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay’.

²²⁵ European Court of Auditors, Special Report 12/2021: The Polluter Pays Principle: Inconsistent application across EU environmental policies and actions.

²²⁶ [Electric vehicles- Tax benefits purchase incentives European Union 2021.pdf \(acea.auto\)](#).

²²⁷ [Heat Fund – Policies - IEA](#).

²²⁸ [Com 351 swd en.pdf \(europa.eu\)](#).

²²⁹ Tagging is explained in European Commission, [Green budgeting practices in the EU: a first review](#), 2021 (p.7).

²³⁰ European Commission, [Green Budgeting Practices in the EU: A First Review](#), 2021.

²³¹ European Commission, Green Budgeting Reference Framework.

²³² European Commission, [Technical guidance on sustainability proofing for the InvestEU Fund](#).

²³³ European Commission, Green Budgeting Reference Framework, based on the review of the OECD Paris Collaborative on Green Budgeting initiative, 2017.

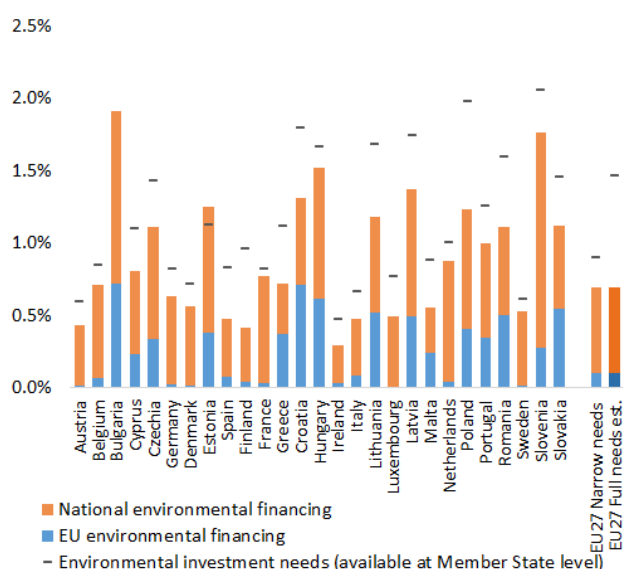
²³⁴ The six environmental objectives of the EU Taxonomy: climate change mitigation, climate change adaptation, water resource management, circular economy and waste management, pollution abatement, biodiversity and landscape protection.

²³⁵ [D1. France Green Budgeting.pdf \(financeministersforclimate.org\)](#)

Overall financing compared to the needs

The EU's overall financing for environmental investments is estimated to have been 0.6-0.7% of GDP in 2014-2020, comprising both major EU funds and national financing. This ranged from 0.3% (Ireland) to 1.91% (Bulgaria), depending on the level of environmental challenges in different Member States. The overall EU environmental investment needs in 2021-2027 are estimated to range between 0.9-1.5% of the projected GDP in that period, suggesting an overall environmental financing gap of 0.6-0.8% of GDP (EU level), compared to previous financing levels²³⁶.

Figure 47: Total environmental financing (2014-2020) and estimated needs (2020-2030) in the EU27 (% of GDP)²³⁷



France's financing for environmental investments is estimated to have been 0.78% of GDP in 2014-2020 (above the EU average), almost exclusively relying on national financing sources. The country's overall environmental investment needs in 2021-2027 are estimated to be over 0.82% of France's GDP (with partial cover, including data with country breakdowns). This suggests an environmental financing gap of at least 0.05% of GDP. This is likely to be higher when taking into account needs currently estimated at EU level only (e.g. water protection, circularity, biodiversity strategy). The gap will have to be addressed through other means e.g. increased mobilisation of financing.

2022 priority actions

- Subsidies policy: Remove (direct or indirect) energy subsidies and other forms of support when they adversely impact reaching climate neutrality and the broader Green Deal objectives.
- Fiscal reforms: Shift the tax burden to green taxes, provide incentives to change long-term behaviour in all sectors of the economy, and complete the green budgeting initiative, expanding the scope of budgetary fields covered in the budget bill.
- Green funding: Address green funding needs in a more targeted way e.g. based on budget tracking and sustainable private finance flows. Use EU blending mechanisms and green bonds to meet long-term investment needs.

²³⁶ DG Environment data analysis. EU financing sources covered: ESI Funds (ERDF, CF, ESF, YEI, EAFRD, EMFF), Horizon 2020, LIFE, EFSI (EU amount), EIB loans. National financing: total national environmental protection capital expenditure (investments) - source: Eurostat EPEA

dataset. Cut-off date for data: end 2021. N.B. Total financing may be higher, in particular through further indirect investments, requiring further analysis in the future.

²³⁷ Eurostat, [ESI Funds Open Data](#), 2021.

6. 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;
- (iii) access to justice in environmental matters.

It is of crucial importance to public authorities, the public and businesses that environmental information is shared efficiently and effectively²³⁸. 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 environment²³⁹. It includes the right to bring legal challenges ('legal standing')²⁴⁰.

Environmental information

This section focuses on France's implementation of the INSPIRE Directive. The INSPIRE Directive aims at setting up a European spatial data infrastructure for sharing environmental spatial information between public authorities across Europe. It is hoped that this will help policy-making across boundaries and facilitate public access to this information. Geographic information is needed for good governance at all levels and should be readily and transparently available.

France's implementation of the INSPIRE Directive could be improved. France's performance has been reviewed based on the country's 2021 country fiche²⁴¹. Slow progress has been made in data identification, and implementation levels have improved. However, more efforts are needed to:

- i. make the data more widely accessible, and
- ii. prioritise environmental datasets in implementation, especially those identified as high-value spatial datasets for implementing environmental legislation²⁴².

Table 4: Country dashboard on the implementation of the INSPIRE Directive, 2016-2020²⁴³

| | 2016 | 2020 | Legend |
|--|------|------|---|
| Effective coordination and data sharing | | | ■ Implementation of this provision is well advanced or (nearly) completed. Outstanding issues are minor and can be addressed easily. Percentage: >89% |
| Ensure effective coordination | ■ | ■ | |
| Data sharing without obstacle | ■ | ■ | |
| INSPIRE performance indicators | | | ■ Implementation of this provision has started and made some or substantial progress but is still not close to be complete. Percentage: 31–89% |
| i. Conformity of metadata | ■ | ■ | |
| ii. Conformity of spatial data sets ²⁴⁴ | ■ | ■ | ■ Implementation of this provision is falling significantly behind. Serious efforts are necessary to close implementation gap. Percentage: <31% |
| iii. Accessibility of spatial data sets through view and download services | ■ | ■ | |
| iv. Conformity of network services | ■ | ■ | |

France must further improve access to its environmental information. The Commission opened an infringement procedure in 2020 because delays for the redress procedure were excessive.

Public participation

In March 2018, the Ministry of Environmental and Social Transition launched a platform called 'projets-

²³⁸ The Aarhus Convention, the Access to Environmental Information Directive (Directive 2003/4/EC) and the INSPIRE Directive (Directive 2007/2/EC) together create a legal foundation for sharing environmental information between public authorities and with the public. This EIR focuses on the INSPIRE Directive's implementation.

²³⁹ These guarantees are explained in the Commission Notice on access to justice in environmental matters, OJL 275, 18.8.2017 and a related Citizen's Guide.

²⁴⁰ This EIR focuses on the means implemented by Member States to guarantee rights of access to justice, legal standing and to overcome other major barriers to bringing cases on nature and air pollution.

²⁴¹ <https://inspire.ec.europa.eu/INSPIRE-in-your-Country/FR>.

²⁴² European Commission, [List of high value spatial data sets](#).

²⁴³ [INSPIRE knowledge base](#).

²⁴⁴ In 2016, the deadlines for implementation of the spatial data interoperability: 23 November 2017 for Annex I data and 21 October 2020 for Annex II and III data. In many cases, this conformity indicator will never reach 100% conformity as most countries provide as-is data sets in addition to the INSPIRE harmonised data sets.

environnement.gouv.fr'. It aims to improve environmental transparency and public access to information about projects that have a significant environmental impact and require an impact assessment²⁴⁵. For each project, the platform provides a detailed description, the impact study, various documents from the public consultation file, and, in due course, the administrative documents authorising the project.

However, no statistics on public participation in environmental projects are available on the platform or anywhere else.

Access to justice

Appeals by organisations in defence of their statutory purpose are admitted in a flexible manner by administrative judges. Because of the principle of specialty of legal persons, standing is assessed based on the organisation's corporate purpose as defined by its statutes. To assess legal standing (the right to bring challenges), the judge compares the content of the contested administrative decision with the organisation's corporate purpose. An appeal by an organisation is only admissible, therefore, if the contested decision adversely affects the collective interest that the organisation defends.

The screening decision for environmental plans and programmes can be challenged by the petitioner. However, under Article R. 122-18 of the Environmental Code, such a judicial appeal against the screening decision must be preceded by an administrative appeal ("recours administratif préalable obligatoire" or RAPO).

It cannot be challenged by the public or an NGO. The Council of State (*Conseil d'État*) decided that a decision to exempt a plan from SEA cannot be challenged directly. However, such a decision can be contested when challenging the final plan.

Government decrees can be challenged directly before the Conseil d'Etat. Access to the judge is widely accepted. Anyone with an interest in maintaining or annulling the contested decision may take part. Associative approval under the Environmental Code makes admissibility easier but is not a prerequisite. To appeal a government decree, it is not necessary to have legal representation. It can be concluded that there is a system of regular and substantive supervision of regulatory legally binding acts

and it is accessible for the members of the public and NGOs.

There is no specific website available to access environmental justice. This is because environmental law does not have any dedicated courts, and the courts and the Ministry of Justice provide information without distinguishing environmental matters.

In 2019, the Commission proposed priority actions to France on access to justice, in particular, to better inform the public about their rights to environmental justice. It is concluded that there has been limited progress made.

2022 priority actions

- Collect and publish data to assess whether France's efforts to increase public participation are achieving their objectives.
- Better inform the public about their access to justice rights, in particular by referring to judicial and administrative portals and to Commission eJustice fact sheets on access to justice in environmental matters²⁴⁶.
- Improve access to environmental information.
- Ratify the Protocol on Strategic Environmental Assessment to the UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Kiev Protocol).
- Ratify the First Amendment to the Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention) – Sofia, 27 February 2001.
- Make spatial data more widely accessible and prioritise environmental datasets in the implementation of the INSPIRE Directive, especially those identified as having high-value for implementing environmental legislation.

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 waste²⁴⁷.

It includes support measures provided by the authorities such as:

- (i) compliance promotion²⁴⁸;

²⁴⁵ Website: <https://www.projets-environnement.gouv.fr/pages/home/>

²⁴⁶ https://e-justice.europa.eu/content_access_to_justice_in_environmental_matters-300-en.do

²⁴⁷ 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.

²⁴⁸ This EIR focuses on the help given to farmers to comply with nature legislation and nitrates legislation.

(ii) inspections and other checks that they carry out, i.e. compliance monitoring²⁴⁹;
 (iii) the steps that they take to stop breaches, impose sanctions and require damage to be remedied, i.e. enforcement²⁵⁰.
 Citizen science and complaints enable authorities to focus their efforts better. Environmental liability²⁵¹ ensures that the polluter pays to remedy any damage.

Compliance promotion and monitoring

The French Biodiversity Agency has an extensive website with detailed technical information on protected sites with some information for non-specialists. The Ministry of Agriculture and Food also provides information on Natura 2000 sites, and the website of the chambers of agriculture has tools to help farmers with biodiversity matters (diagnostics, training, etc.)²⁵². In addition, the Agricultural Biodiversity Observatory (*Observatoire Agricole de la Biodiversité* or OAB)²⁵³, is a participatory science programme that provides farmers with biodiversity observation protocols to help them gain a better understanding of biodiversity in agriculture. Since the 2019 EIR, France has made more online information available on farmers' obligations to protect biodiversity and how to meet them.

France has a network of regional environment offices (*Directions régionales de l'Environnement, de l'Aménagement et du Logement*, or DREALs), which has websites explaining how to respect rules on nitrates²⁵⁴. The website of the chambers of agriculture also provides information on the Nitrates Directive, with tools and technical resources to help farmers²⁵⁵.

Every year, the Ministry of Ecological Transition publishes an outline of priority actions for inspecting installations classified for environmental protection (ICPEs). The latest outline was published on 22 December 2022²⁵⁶. Some DREALs publish information on their annual inspection objectives, such as the number of visits planned and how

complaints will be handled²⁵⁷. Inspection reports are not published. The Ministry of Ecological Transition occasionally publishes reports summarising inspection activities of ICPEs, with different national data (number of inspectors, number of inspection visits). However, the Ministry's website only has reports for 2014, 2015 and 2018. Some regional reports are also published by the DREALs concerned²⁵⁸.

Complaint handling and citizen science

DREAL websites provide a form for filing complaints about ICPEs²⁵⁹. The form contains instructions on how to file the complaint. The National Commission on Ethics and Alerts in Public Health and the Environment also has a website that lets stakeholders, and the public in some cases, to submit information on, for example, threats and harm to public health and the environment. However, the websites of many other public environmental bodies do not contain information on how to submit complaints and do not direct users to the DREAL websites. There is no information available to the public on how they can report concerns about breaches of environmental legislation and how the government handles such complaints. No data are published on the number of complaints from the public or how they are managed.

France provides the public with good opportunities to get involved in policymaking. The Vie-publique.fr website has a page dedicated to current policy consultations. France organised a Citizen's Convention on Climate from 2019 to 2021, during which a panel of citizens was tasked with drawing up a series of measures to reduce greenhouse gas emissions²⁶⁰. Individual local authorities have also taken a similar approach, e.g. Seine-Saint-Denis launched a citizens' convention on climate and biodiversity in September 2021²⁶¹. The government's 2020 Environmental Report for France²⁶² shows a growing number of people engaging in participatory science

²⁴⁹ This EIR focuses on inspections of major industrial installations.

²⁵⁰ This EIR focuses on the availability of enforcement data and co-ordination between authorities to tackle environmental crime.

²⁵¹ The Environmental Liability Directive, 2004/35, creates the framework.

²⁵² <https://chambres-agriculture.fr/agriculteur-et-politiques/politiques-environnementales/biodiversite/>, <https://chambres-agriculture.fr/exploitation-agricole/gerer-son-entreprise-agricole/favoriser-la-biodiversite/>

²⁵³ *Observatoire Agricole de la Biodiversité* (observatoire-agricole-biodiversite.fr).

²⁵⁴ See nitrates information on DREAL for the Nouvelle Aquitaine Region website: <http://www.nouvelle-aquitaine.developpement-durable.gouv.fr/nitrates-r1132.html>.

²⁵⁵ <https://chambres-agriculture.fr/agriculteur-et-politiques/politiques-environnementales/directive-nitrates/>

²⁵⁶ See *Instruction du gouvernement du 22 décembre 2021 relative aux actions nationales de l'inspection des installations classées pour l'année 2022*: <https://www.legifrance.gouv.fr/download/pdf/circ?id=45258>.

²⁵⁷ See, for example, DREAL for Centre-Val De Loire *Inspection Des Installations Classées Pour La Protection De L'environnement Présentation Du Bilan Régional 2018 Et Des Objectifs 2019*.

²⁵⁸ <https://www.ecologie.gouv.fr/sites/default/files/Dossier%20de%20presse%20Les%20risques%20industriels%20Une%20mission%20de%20protection%20pour%20les%20populations%20et%20l%27environnement%20Bilan%202018.pdf>

²⁵⁹ See, for example, the website of the DREAL for the Hauts-de-France region: <https://www.hauts-de-france.developpement-durable.gouv.fr/?Le-formulaire-de-depot-de-plainte>.

²⁶⁰ <https://www.conventioncitoyennepourleclimat.fr/en/>
²⁶¹ See <https://www.environnement-magazine.fr/politiques/article/2021/09/20/136165/est-ensemble-tient-premiere-convention-citoyenne-locale-pour-climat-biodiversite>

²⁶² <https://www.statistiques.developpement-durable.gouv.fr/edition-numerique/bilan-environnemental/>

programmes on biodiversity – the number of participants increased from 20 000 in 2011 to nearly 90 000 in 2018.

Enforcement

The Ministry of Justice published a study in 2021 on the criminal justice system's treatment of environmental litigation between 2015 and 2019²⁶³. This study provides detailed data on environmental crime involving: (i) water, air, and natural spaces protection; (ii) fauna and flora protection; and (iii) prevention of pollution and risks (including waste, natural and technological risks). In October 2019, the Ministry of Ecological Transition and Solidarity and the Ministry of Justice published a report assessing the relationship between justice and the environment in France²⁶⁴, which includes statistics on environmental criminal cases.

The Central Office for Coordinating Environmental and Public Health Crime (*Office central de lutte contre les atteintes à l'environnement et à la santé publique*, or OCLAESP), a national office within the police force (*Gendarmerie nationale*), coordinates waste, wildlife, and other environmental crime enforcement. It does so across enforcement agencies, including the customs services and the Biodiversity Agency (*Office français de la biodiversité*). There is also a 2015 government circular with guidance on criminal policy for environmental offences. This sets out ways to collaborate with decentralised administrations and public institutions in charge of environmental policing (administrative and judicial), under the authority of the public prosecutor's office.

Environmental Liability Directive (ELD)

ARIA (*Analyse, Recherche et Information sur les Accidents*) is a French public database that provides information on incidents, accidents or near misses that have affected, or could have affected, public health or safety or the environment²⁶⁵. However, it is not clear which of those situations relate to ELD cases. Detailed information on financial securities does not seem to be available. Environmental insurance for liabilities under the ELD and other environmental legislation is available in France.

The 2019 EIR recommended that France:: (i) improve ELD guidance and financial security for liabilities; and (ii)

publish information on environmental damage. Since 2019, France has made no progress on these recommendations.

2022 priority actions

- Ensure that websites of national and regional authorities with environmental responsibilities include clear information on how the public can report breaches or file complaints.
- Improve cooperation systems between professionals combating environmental crimes.
- Improve information to the public on the availability of financial securities to meet the costs of 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 bring about the intended benefits.

Administrative capacity and quality

France is a unitary state with a hierarchy of administrative divisions – regions, departments, and municipalities. The Ministry of Ecological Transition is the central national authority. The Ministry's policies are implemented directly by the Ministry's services in the regions and departments.

France ranks fifth out of 180 countries in the 2020 Environmental Performance Index²⁶⁶. Overall, France has a good record in implementing EU environmental laws and has ambitious environmental policies in place. However, serious challenges remain to tackle air pollution, preserve species, as well as improve waste management (with suitable plans), sanitation (UWWTD) and drinking water.

Coordination and integration

As mentioned in the 2017 EIR, turning the revised Environmental Impact Assessment Directive (EIA

²⁶³ Document available at <http://www.justice.gouv.fr/statistiques-10054/infostats-justice-10057/le-traitement-du-contentieux-de-lenvironnement-33897.html>.

²⁶⁴ Report available at <https://www.vie-publique.fr/rapport/273078-une-justice-pour-l-environnement>.

²⁶⁵ <https://www.aria.developpement-durable.gouv.fr/le-barpi/la-base-de-donnees-aria/>; <https://www.data.gouv.fr/en/datasets/analyse-recherche-et-information-sur-les-accidents/>

²⁶⁶ [Environmental Performance Index | Environmental Performance Index \(yale.edu\)](https://www.eiu.com/en/topics/indices/Environmental-Performance-Index/)

Directive)²⁶⁷ into national law provides an opportunity to streamline the regulatory framework on environmental assessments. Despite a delay, France has now turned the revised Directive into national law.

The Commission encourages streamlining environmental assessments to reduce duplication and avoid overlaps in environmental assessments applicable to projects. Moreover, streamlining helps to reduce unnecessary administrative burden and accelerates decision-making, provided it is done without compromising the quality of the environmental assessment procedure²⁶⁸. France had already introduced streamlining environmental assessments under the EIA and Habitats Directives before the revision of the EIA Directive. Coordinated procedures have been decided upon for the EIA Directive, the WFD and the IED.

A good practice that can be highlighted is the single environmental permitting platform. This was developed to help implement the single environmental permitting system, which simplifies, standardises and describes different environmental permits.

Reforms through the Commission's technical support instrument (TSI)

Besides EU funding programmes, the Commission also supports environmental measures and the green transition by granting technical assistance such as TSI.

The Commission's TSI supported one French environmental project in 2021: 'Ecological transition of public services and application to the Ministry of Culture'. The Commission encourages France to use this tool more often in the coming years.

TAIEX EIR peer-to-peer projects

The TAIEX-EIR peer-to-peer tool²⁶⁹ was launched in 2017 by the Commission to facilitate peer-to-peer learning between environmental authorities.

In 2019, France benefited from a study visit in Germany on environmental impact assessments. In 2022, France participated in two multicountry workshops on ammonia-reducing technology and measures on zero pollution for air, water and soil.

²⁶⁷ Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.

²⁶⁸ The Commission issued a guidance document in 2016 on setting up coordinated and/or joint procedures that are simultaneously subject to

assessments under the EIA Directive, Habitats Directive, Water Framework Directive, and the Industrial Emissions Directive, OJ C 273, 27.7.2016, p. 1.

²⁶⁹ [TAIEX - Environmental Implementation Review - PEER 2 PEER - Environment - European Commission \(europa.eu\)](https://ec.europa.eu/eir/).