

17. FRANCE

17.1 Water Resources Management Policies and Actions

In March 2007, the Water Department of the French Ministry for Ecology and Sustainable Development has issued a document named "Public water policy in France", which states the status of water policy in France, including the implementation of the EU Water Framework Directive (WFD) and other regulations into the French Law.²⁷⁴ More details for the laws are discussed below.

This document for water policy in France was drafted based on four principles:²⁷⁵

- A global or integrated approach, taking into account the physical, chemical and biological balance of ecosystems
- An area adapted to water resource management: the catchment basin
There are totally seven catchments in France. Each catchment basin committee has adapted a blueprint for Water Development and Management. More details are discussed below.
- Consultation and participation from various user categories
French water policy is based on consultation and the participation of stakeholders, whether they are water users, manufacturers, farmers, environmental protection organisations or consumer rights organisations.²⁷⁶
- Financial incentives: the polluter-payer and user-payer principle:
"Abstraction" and "pollution" taxes are in proportion to the amount of water abstracted and pollutants inputted. The taxes are then redistributed in form of funding to support programmes to fight pollution, and manage water resources and aquatic environments.²⁷⁷

Legislations

There were three laws which provide the basis for French water policy, including the **1964 Water Act**, **1984 Fishing Law** and the **1992 Water Act**. The 1964 Water Act established a water regime and distribution plan and launched the anti-pollution movement in its natural milieu. The 1984 Fishing Law sets out provisions for a reform of freshwater fishing, and damage prevention to the freshwater environment, and establishes the law enforcement with regard to fishing.²⁷⁸ The 1992 Water Act gave a further boost to the French water policy. It was decided that:²⁷⁹

- Water is a national heritage. Its protection and development as a usable resource is in the public interest.

²⁷⁴ Full document of "Public water policy in France" can be obtained in http://www.ecologie.gouv.fr/IMG/pdf/public_water_policy_france.pdf

²⁷⁵ Extracted from <http://publications.ecologie.gouv.fr/-General-organisation-.html>

²⁷⁶ Extracted from the "Public water policy in France", http://www.ecologie.gouv.fr/IMG/pdf/public_water_policy_france.pdf, page 7-8

²⁷⁷ Extracted from the "Public water policy in France", http://www.ecologie.gouv.fr/IMG/pdf/public_water_policy_france.pdf, page 8

²⁷⁸ Extracted from the "Public water policy in France", http://www.ecologie.gouv.fr/IMG/pdf/public_water_policy_france.pdf, page 6

²⁷⁹ Extracted from the website of "water in France", under "Water and the Law" page, <http://www.lesagencesdeleau.fr/>

- The management of water resources aims at ensuring (i) the preservation of aquatic ecosystems and wetlands, (ii) the protection and restoration of surface and underground water quality, (iii) the development and quantitative protection of water resources to ensure public health, economic and leisure activities requirements.
- Domestic wastewater collection and treatment will become compulsory nationwide by the year 2005.
- A protective perimeter must be created around each drinking water catchment basin.
- The role of water policy is strengthened.

A new law on water and wetlands was adopted in 2006 to fulfil European requirements and to therefore achieve good water and aquatic environment status in 2015. The law institutes the right to drinking water access in economically acceptable conditions for each individual and makes the workings of the public water and sanitation service more transparent. The law also creates a framework incorporating the necessary climate change-related adaptations.²⁸⁰

Flood prevention policy was adopted in France to protect humans and reduce vulnerability. In order to ensure better anticipation of flood phenomena and improve continuous information, the Central department for hydrometeorology and flood forecasting support and 22 flood forecasting services are created. The risk law passed in 2003 has led to some significant advances in terms of flood prevention, including:

- Informing, preventing and raising awareness of the risk.
- Developing new preventive tools.
- Aiding the work of local communities.
- Reducing the vulnerability of floodable zones and repairing damage.²⁸¹

Other actions or programmes related to water resources management

In accordance with the European WFD and for the purpose of ensuring transparency, France organised a consultation procedure from May to November 2005 to gauge public opinions with respect to the working programme for the development of water improvement and management master plans (SDAGE) as well as the main issues associated with water management. At the end of 2007, a second consultation procedure will be organised for management plan projects.²⁸²

The SDAGE fixes the general guidelines, objects and measures to be implemented by the seven basin committees. A water improvement and management plan (schéma d'aménagement et de gestion des eaux or SAGE) may set specific objectives relative to the quality, use, improvement and quantitative protection of water resource for those

²⁸⁰ Extracted from "Public water policy in France",
http://www.ecologie.gouv.fr/IMG/pdf/public_water_policy_france.pdf, page 6

²⁸¹ Extracted from "Public water policy in France",
http://www.ecologie.gouv.fr/IMG/pdf/public_water_policy_france.pdf, page 10

²⁸² Extracted from "Public water policy in France",
http://www.ecologie.gouv.fr/IMG/pdf/public_water_policy_france.pdf, page 8

more restricted water catchment units, like subterranean basins and aquifers.²⁸³



Source: "Public water policy in France"²⁸⁴

²⁸³ Extracted from "Public water policy in France",
http://www.ecologie.gouv.fr/IMG/pdf/public_water_policy_france.pdf, page 7

²⁸⁴ Extracted from "Public water policy in France",
http://www.ecologie.gouv.fr/IMG/pdf/public_water_policy_france.pdf, Content page

17.2 Environmental Evaluation/SEA in France

French environmental policy has been in existence since the 1970s; today, the environment is mostly taken into account through land-use plans and the environmental appraisal of programmes. Integration of the environment in France can be described as fair to strong; several laws require the inclusion of environmental concerns.

Strategic Impact Assessment (SIA), a French SEA-like instrument, is a legal requirement at policy level for proposed laws and at regional levels for Master and Zoning plans. Voluntary SIAs have taken place since 1980s in areas of land-use planning. SIAs were introduced in the 1990s and were applied to public participation for major transportation projects.²⁸⁵

Ordonnance No 2004-489 was issued on 3 June 2004 introducing the European SEA Directive in the Environmental Code²⁸⁶, the French Environmental Law²⁸⁷, which provides statutory requirement for SEA of plans and programmes.

As mentioned, SEA in France at policy level is governed by Strategic Impact Assessment which is a statutory requirement, while Environmental Code provides statutory requirement for SEA of plans and programmes.

Below shows the principal steps of the overall process, grouped into the four key stages of SEA.

- (i) Environmental diagnosis (an environmental profile describing the state of the environment and listing political objectives at different scales – international conventions and protocols, European policies, national objectives, regional objectives, etc)
- (ii) Compatibility analysis (using a matrix) between in focus of the strategic action and the main reference objectives
- (iii) Assessment of the importance of the potential impacts of the whole plan
- (iv) Evaluation of interactions between measures⁹

²⁸⁵ Referenced to “Report on Methodological approaches to SEA (Report on current national procedures), by Building Environmental Assessment CONsensus on the transeuropean transport network, 2004, www.transport-sea.net/filecount.phtml?file=D_2_1.doc&PHPSESSID=39b7a6b60cac49071eed204092d2aeb8, page 46

²⁸⁶ Environmental Code can be obtained from http://195.83.177.9/upl/pdf/code_40.pdf

²⁸⁷ Refer to Strategic Environmental Assessment: A sourcebook and reference guide to international experience, Barry Dalal-Clayton and Barry Sadler, 2004,

http://www.iied.org/Gov/spa/documents/SEAbok/Chapter3_Oct04.pdf, page 70

17.3 Environmental Evaluation/SEA on Water Resources Management in France

Strategic Impact Assessment (SIA) is the French SEA-like instrument which is legally required at policy level for proposed laws and at regional levels for Master and Zoning plans including water resources management aspects. According to the Ordonnance no. 2004-489, any plan or programme that is related to water management should conduct an environmental evaluation.²⁸⁸ All details can be referred to the Section 17.2.

According to Article L211-1 of the Environmental Code, the provisions for the Water and Aquatic Environments aim to provide a balanced management of water resources, which aims to ensure:²⁸⁹

- The conservation of aquatic eco-systems, sites and wetlands; and vegetation;
- Water protection and the fight against pollution due to effluent, drainage and other discharges, the direct or indirect deposit of materials of any kind, and more particularly by any act that may result in water degradation by modifying its physical, chemical, biological or bacteriological characteristics, whether it is surface water, underground water or sea-water within the boundaries of territorial waters;
- The regeneration and restoration of the quality of such water;
- The development and the protection of water resources;
- The development of water as an economic resource and, in particular, for the development of the production of renewable electricity, as well as the distribution of this resource.

A summary table for both the water resources management policies and actions and SEA status in France is presented in **Exhibit FR-1**:

Exhibit FR-1 Summary of Water Resources Management (WRM) Policies and Actions and SEA status in France	
(a) WRM Policies and Actions	
WRM Policies and Actions	Policies: <ul style="list-style-type: none"> • "Public water policy in France" Actions: <ul style="list-style-type: none"> • Water improvement and management master plans (SDAGE)
Guidance/Legislations for WRM	<ul style="list-style-type: none"> • The 1984 Fish Act • The 1964 and 1992 Water Act
(b) Environmental Evaluations / SEA Status in WRM Policies and Actions	
Type of Assessment	<ul style="list-style-type: none"> • Strategic Impact Assessment (SIA) for policies • Strategic Environmental Assessment for plans and programmes
Requirement Mechanisms	Statutory
Legislation for Environmental Evaluation / SEA	Statutory under Strategic Impact Assessment (SIA) for policy level (the corresponding act is not available) Statutory under Environmental Code for plans and programmes
Applications	Policies, Plans and Programmes

²⁸⁸ Extracted from the Environmental Code, http://195.83.177.9/upl/pdf/code_40.pdf, page 5

²⁸⁹ Extracted from the Environmental Code, http://195.83.177.9/upl/pdf/code_40.pdf, page 16

17.4 Analysis and Conclusions

WRM Policies

The outstanding feature of French water policy is based on the desire to drive this double effort, jointly with all the participants involved in their catchment area. The 1992 Water Act strengthens this dialogue with the creation of water planning tools for each large catchment area, including **master plan for improvement and water management (SDAGE)** and the **improvement and water management plans (SAGE)**.

Generally, the French water policy is based on four principles:

1. **Decisions planned around catchment areas**
Decisions are taken for financing equipment, guaranteeing water supply and quality, inside catchment area bodies uniting all water participants. It is also there, from a catchment standpoint, that financing of incentive assistance for providing sound plant operation is decided.
2. **Water very economical**
Water at a price: it has to be channelled, treated, supplies have to be planned, plants have to be built to guarantee its quality.
3. **Water very cultural and social**
Above all water is a natural property, a rare resource to be protected. Managing all its uses imparts an economic dimension to it, based on an integrated approach. An essential resource, water leads to cultural and social practices, which, in terms of lasting development, make real ecological and strategic stakes out of it.
4. **Water pays water**
Through their water bills consumers bear the main part of expenses linked to investments and plant operation required for water management.

Compared to France, Hong Kong is not within the EU Directive regime and the scope of water resources need to be managed is restrained to the two main sources of water – rainfall from natural catchment and supply from Guangdong. It is Water Supplies Department's (WSD) scope of work to cover the whole process from the collection of natural yield from rainfall, the reception of raw water from Guangdong to the provision of a supply with a quality of accepted international standards to the users' taps. WSD also supplies sea water for flushing purposes to over 80% of the population. For protection against flooding, sewage collection, treatment and disposal, it is under Drainage Services Department's (DSD) jurisdiction.

For the sustainable development of Hong Kong, WSD has initiated a *Total Water Management programme* comprising key elements of new water resources, water reclamation, water conservation and water resources protection and management was initiated for better utilization of the different water resources.

EE/SEA

As an EU Member State, France is obliged to adopt the requirements of the EU Directive 2001/42/EC by bringing into force the laws, regulations and administrative provisions necessary to comply with the Directive.

Since 2004, France has been transposing the requirements of the SEA Directive 2001/42/EC into its legal system. The requirements have also been implemented within the Environmental Code, the French Environmental Law, which provides statutory requirement for SEA of plans and programmes.

France has also built a statutory SEA-like instrument, named Strategic Impact Assessment (SIA), at policy level for proposed laws and at regional levels for Master and Zoning plans.

Hong Kong is not an EU Member. Hong Kong's SEA/EE is under Environmental Protection Department's (EPD) jurisdiction. Similar to the EU Member counterparts, there are both statutory and administrative systems for PPP projects in Hong Kong. While the statutory requirements govern primarily large scale development projects (i.e. over 20 ha of area or population over 100,000), the administrative counterpart has been applied to land use planning, transportation and sectoral PPP.

In most EU Member States' practices, a statutory system is put in operation for WRM related plans and programmes. Hong Kong may adopt a similar approach by expanding the scope of the current statutory system to cover other sectors such as WRM.

Also, the SEA Directive sets out the requirements for undertaking environmental assessments for plans and programmes in various sectors, namely, agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, etc. A similar scope or categorisation of sectors is recommended for setting up within Hong Kong's next generation SEA management framework.

17.5 Examples of Water Resources Management Policies / Actions or their Environmental Evaluation/SEA

Example FR-1 The Rhone-Mediterranean-Corsica (RMC) basin – Water Master Plan ²⁹⁰	
Description of Study	<p>The RMC Water Master Plan (SDAGE-RMC) has been adopted in December 1996. It is based on ten major orientations as follows:</p> <ul style="list-style-type: none"> ● Keep on combatting any kind of pollution ● Guarantee water quality required by the different uses ● Underline the strategic status and vulnerability of groundwaters ● Better management before investing ● Respect the milieux natural functioning ● Restore or preserve the outstanding aquatic systems ● Restore urgently the most degraded milieux ● Promote a more efficient risks management ● Think water management in terms of land-use development ● Enhance local and participative management
Scope of Assessment/ Study	<p>Themes considered during the Water Master Plan include:</p> <ul style="list-style-type: none"> ● Quality of rivers and channels (both biggest rivers and secondary rivers) ● Pollutions (Combatting pollution – include urban pollution and industrial pollution; Eutrophication – phosphorus concentration level; Toxic pollutions – contaminants concentration; Accidental pollution – indicators are under development) ● Physical state of rivers – includes restoration activities ● Quantitative management of rivers – depends on river hydrology ● Flooding risks – subject to climatic conditions (heavy rain-showers) ● Groundwaters – concerns about the pollution abatement of nitrates and pesticides ● Drinkable water availability – depends on the groundwaters quality ● Wetlands ● Species protection – includes aquatic natural heritage and aquatic species ● Coastal area – includes the coast and natural sites
Outcome of Study	<p>After three years of implementation (1997-1999), in order to get an overview of what has been achieved, three types of indicators have been set up. They are</p> <ul style="list-style-type: none"> ● the State of natural aquatic systems ● the pressure that the systems support from human activities ● the response given through actions corresponding to the SDAGE objectives – this would be considered as the Performance indicators. <p>The last type would considered as the RMC-SDAGE Performance indicator.</p>

²⁹⁰ Example is extracted from “The french approach to managing water resources in the Mediterranean and the new European Water Framework Directive”, which can be obtained at <http://www.ifremer.fr/docelec/doc/2003/publication-429.pdf>, page 6-9