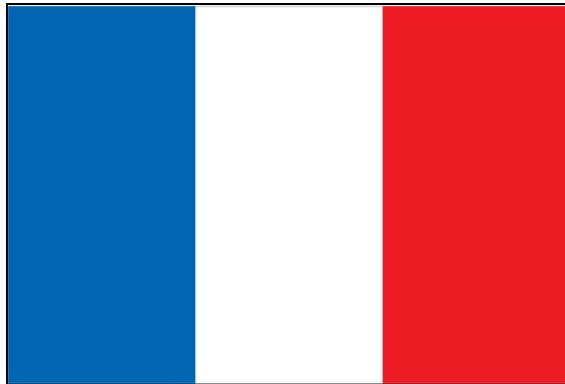


# CLIMATE CHANGE LEGISLATION IN

## France

*AN EXCERPT FROM*

# The 2015 Global Climate Legislation Study A Review of Climate Change Legislation in 99 Countries



**Michal Nachmany, Sam Fankhauser, Jana Davidová, Nick Kingsmill,  
Tucker Landesman, Hitomi Roppongi, Philip Schleifer, Joana Setzer,  
Amelia Sharman, C. Stolle Singleton, Jayaraj Sundaresan and  
Terry Townshend**

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# France

## Legislative Process

France has a bicameral parliamentary system where legislative power belongs to the National Assembly and the Senate. The last election for the National Assembly was held in 2012, the next is scheduled for 2017. The Senate is elected indirectly by Members of Parliament and local representatives. Statute legislation may be proposed by the Council of Ministers or by Members of Parliament; the majority of bills are currently proposed by the government.

There is a strict separation between laws and regulations. Laws determine general principles and rules in domains explicitly set out in the constitution, such as civil rights, nationality and crime. They must be voted on by the Parliament and can be blocked by the Constitutional Court if it finds that the law goes against the Constitution. In this case, the law must be modified and voted on again, or abandoned. Regulations can establish rules outside of the law's domain or specify more precisely how to implement laws. Regulations do not need to be voted on by the Parliament.

## Approach to Climate Change

In his first major speech as President, François Hollande set the course for France to become “the nation of environmental excellence” through an energy transition based on efficiency and development of renewable energy. This transition involves a sustained reduction of GHG emissions coupled with a reduction of the weight of nuclear energy in the national energy mix from the current 75% to 50% by 2025.

The Government held a National Environment Conference in 2012 where a set of climate and energy governance measures was announced, including: (1) a push for policy to reduce the EU's emissions of GHG by 40% in 2030 and 60% in 2040 and to introduce a carbon inclusion mechanism for sectors most exposed to international competition; (2) a target for heavy vehicles to consume no more than 2 litres of gasoline per 100km within 10 years; (3) continued support for wind and solar power; and (4) a call for tenders for the creation of offshore wind farms at Tréport and Noirmoutier (1,000MW).

France produced its first National Programme for Tackling Climate Change in 2000 and its measures were later either inscribed in laws or regulations on energy, finance, agriculture, urban planning, or abandoned. The same process occurred with the Climate Plans 2004, 2006, 2009, 2011 and 2013. The Climate Plan must be refreshed every two years according to the 2005 Energy Policy Framework Law and local authorities are encouraged to adopt the same process and to draw up territorial climate plans to develop a genuinely local climate and energy policy in their own jurisdictions. The approach has been scaled up and is mandatory for territorial collectivities with over 50,000 residents. The structure

and consistency of the actions on every territorial scale have also been increased by the definition of a new regional strategic frame of reference: the regional climate, air and energy plans (SRCAE).

To support the development of climate change policy, there are many research institutions, projects, and initiatives with relevance to climate change. Many receive funding through the French Centre for Scientific Research (CNRS). They include: ECLIPSE (Past Environment and Climate History and Evolution); GICC (Management and Impact of Climate Change); PNEDC (National Programme of Climate Dynamics); PATOM (Mid-Scale Atmosphere and Ocean Programme); PROOF (Biogeochemical Processes in Ocean and Fluxes); PNCA (National Programme of Atmospheric Chemistry); PNRH (National Programme in Hydrology Research); and PNTS (National Programme of Space Teledetection)

### **Energy Supply**

The Energy Policy Framework Law 2005 has a 10% renewable energy target for 2010, involving thermal energy sources as well as the use of biofuels in the transportation sector. The Grenelle I law (2009) increased the renewable energy target to 23% by 2020, beyond the official EU target of 20%. In support of the objectives in the National Action Plan to Support Renewable Energies (2009-2020), France uses fiscal tools such as tax incentives for renewable energies or feed-in tariffs as part of the country's finance laws.

To define the most appropriate way to change the energy system economically, environmentally, and socially, a “National Debate on Energy Transition” was held between November 2012 and July 2013, focusing on three key issues: developing renewables; energy efficiency in the housing sector; and nuclear energy. It led to a series of recommendations on energy policy, including the reduction of the proportion of nuclear energy in the energy mix from 75% to 50% by 2025. It also called for a 50% cut in total energy consumption by 2050.

The recommendations have been submitted to the Government and the draft of the ‘Law for energy transition and green growth’ was adopted by the National Assembly in October 2014, and is expected to be passed by the Senate by the end of February 2015. The draft bill confirms the targets agreed during the National Environment Conferences 2012 and 2013 as well as the National Debate on Energy Transition and the discussions at the National Council for Energy Transition. Those include five main objectives: reduce GHG emissions by 40% by 2030 (base year 1990) and to 25% of 1990 levels by 2050; reduce by 30% the consumption of fossil fuels by 2030; reduce the share of nuclear energy in the energy mix from 75% to 50% by 2025; reach a minimum share of 32% of renewable energy in energy consumption (around 40% of electricity produced, 38% of heat consumed and 15% of transport fuels); reduce by 50% final energy consumption by 2050 (intermediate target of 20% reduction by 2030). The draft bill also organises several steering tools to achieve the transition, such as development of renewable energy, development of a “recycling economy” and energy demand control – especially within the residential and transport sectors.

A carbon budget (i.e. emissions limits) and the Low Carbon National Strategy (LCNS) are proposed. With carbon budgets set for 2015-2018, 2019-2023 and 2024-2028, France aims to give a constant visibility to its GHG emissions reduction goals, while the LCNS should present the general and sector-based policies to achieve it.

### **Energy Demand**

The integrated approach of the Grenelle has contributed to bringing principles and policies on energy demand, energy supply, and sustainable transportation into the mainstream. The Grenelle has either strengthened those policies and goals that already were part of national legislation, or has incorporated them into a dedicated law on the environment. Although some of the initial measures have proven challenging given the economic slowdown and budgetary constraints, the Grenelle II law still contains many positive provisions, including a focus on emission reductions and energy efficiency improvements in buildings and transportation (which account for the bulk of GHG emissions). It is to be reinforced by the ‘Law for energy transition and green growth’ currently under discussion in Parliament, which sets a target for energy renovation of 500,000 residential houses per year starting from 2017 (at least 50% occupied by low income households). The Energy Policy Framework Law 2005 includes a target to decrease energy intensity by 2.5% in 2030. The Thermal Regulation 2012, complemented by creation of two new labels, strengthens building efficiency requirements, aiming at reducing the primary energy consumption in buildings by 150bn kWh between 2013 and 2020, and reducing the CO<sub>2</sub> emissions by 13m-35m tonnes of CO<sub>2</sub> (depending on the method) between 2013 and 2020.

### **Carbon Pricing**

One of the key mechanisms adopted by the Grenelle I and II laws (2009/2010) was a carbon tax, set up by the Finance Law 2014 and implemented since April 2014 (EUR7, USD8.78 per ton), with incremental increase of the rate planned for 2015 (EUR14.5, USD18.2 per ton) and 2016 (EUR22, USD27.6 per ton).

Another mechanism for carbon pricing comes from the European directives transposed into national legislation, such as the French National Allocation Plan voted on in 2005 to implement the EU Emissions Trading Scheme.

### **REDD+ and LULUCF**

All forests (public and private) are regulated by the Forest Code, which specifies the roles and responsibilities of the institutions in charge of its implementation. France has been involved in the Helsinki process since its inception and plays a leading role in the discussion of indicators for sustainable forest management.<sup>1</sup> According to the National Institute for Geographic and Forestry Information

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<sup>1</sup> The Helsinki Process, which began in 1990, developed guidelines for the sustainable management of forests in Europe. The Process has sought to identify measurable criteria and indicators to evaluate how European countries have progressed in their efforts to follow the principles of sustainable forest management and conservation of the biodiversity of European forests.

(IGN), there is 1.14bn tons of carbon in French commercial forests. For the period of 1996-2007, the annual carbon sink is estimated to be 14m tons.

### Transportation

There are various policies and laws with relevance to renewable energy in the transportation sector, including the Climate Plan 2011, the Energy Policy Framework 2005, and the Farming Policy Framework 2006. Measures include a bonus-malus scheme to support purchases of cleaner vehicles, support to develop recharge points for hybrid and electric vehicles and vehicle location schemes. Since 2009, sustainable transportation policies have been developed around the EU Renewable Energy Directive which includes a target of 10% of biofuels in transportation by 2020. The clean transportation policy should be reinforced by the Law for energy transition and green growth once adopted.

### Adaptation

Responsibilities for climate change adaptation are split between national, regional, and local levels. The creation of a National Observatory for the Effects of Global Warming in 2001 and the adoption of the National Adaptation Strategy 2006 marked the beginning of government activity in adaptation. In 2011, France published the first National Adaptation Plan. Covering the period 2011-2015, the Plan includes measures designed to prepare for and exploit new climatic conditions in France. Regional adaptation guidelines are defined in Regional Climate, Air, and Energy Schemes and local adaptation actions are designed within Territorial Climate-Energy Plans.

## France: Legislative portfolio

<b>Name of law</b>	<b>Farming, forest and alimentation Framework No. 2014-1170</b>
<b>Date</b>	2014
<b>Summary</b>	Sets out the main targets and policies for the national agriculture and forest policy. This law offers guarantees for agriculture and forestry sustainable management, including compensation for forestry cuts. The Act recognises the carbon sequestration function of forests as well as their contribution to climate change adaptation. It also highlights among the main responsibilities of the State within the Framework of the French Forest Law (which it amends) to support adaptation of the forests to climate change.

<b>Name of law</b>	<b>Grenelle II</b>
<b>Date</b>	12 July 2010
<b>Summary</b>	This law specifies the Grenelle I objectives in order to facilitate their implementation. Energy – supply-side policies: <ul style="list-style-type: none"> <li>• Better linkage of renewable energy to the main energy network</li> <li>• Support and administrative facilitation for wind power</li> <li>• Incentives for solar power</li> <li>• Regulation of experimental carbon storage installations</li> </ul> Energy – demand-side policies: <ul style="list-style-type: none"> <li>• Carbon tax (abandoned and later re-introduced by the Fiscal Law 2014)</li> <li>• Publication of regional programmes for climate and energy within a year of the</li> </ul>

law entering into force

- Improvement of energy saving certification schemes
  - Improvement of energy consumers' information on their level of consumption and means of reduction
  - Improvement of buildings efficiency (e.g. State sector – reduce energy consumption by at least 40% by 2020 and their GHG emissions by 50%)
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<b>Name of law</b>	<b>Grenelle I</b>
<b>Date</b>	3 August 2009
<b>Summary</b>	In 2007, the French government established six working groups gathering state and non-state actors to address ways to redefine France's environment policy. The proposals were put to public consultation, leading to a set of recommendations presented to the French parliament in early 2008. One working group specifically addressed climate change. The Grenelle I Law states the principles of the Grenelle process. The Grenelle II Law gives a more detailed implementation framework. Not all the measures negotiated during the Grenelle process were adopted.

The Grenelle I sets among others the following objectives and targets related to climate change and energy:

- Buildings: make the building sector the Number 1 sector supporting the fight against climate change
  - Apply the 'Low consumption building' norm to all new buildings starting end 2012 (less than 50kWh/m<sup>2</sup>/year of primary energy consumption)
  - Reduce energy consumption in old buildings by 38% by 2020
  - Complete 400,000 thermal renovations of buildings per year starting 2013
  - Launch a social housing programme for energy efficiency renovation for 800,000 households
- Urban planning: Harmonise policy and planning documents, in particular relevant to agglomeration level
- Transport: Reduce GHG emissions by 20% by 2020 and reduce the sector dependency on fossil fuels
  - Put in place an eco-tax for heavy vehicles starting 2011
  - Increase the share of non-road and non-aviation transport from 14% in 2009 to 25% by 2022
  - Increase the share of non-road and non-aviation freight by 25% by 2012
  - Provide by 2020 EUR2.5bn (USD3.1bn) state investment for development of urban public transport
  - Inaugurate 2,000 km of high-speed rail by 2020
  - In aviation transport, reduce by 2020 fuel consumption/passenger/km by 50% and reduce by 50% total fuel consumption
- Energy: contribute to the goal of drastic GHG emissions reduction
  - Minimum 23% of energy mix by 2020 sourced from renewable energy sources
- Example set by the State: sustainable sourcing and energy efficiency measures
  - Starting 2009, vehicles purchased by the State should not emit more than 130g CO<sub>2</sub>/km (exceptions apply)
  - Starting 2010, use certified wood or wood issued from sustainably managed forests
  - Improve energy efficiency by 20% by 2015
- French overseas territories: to become 'territories of environmental excellence'
  - Aim for energy autonomy (50% by 2020)

Monitoring arrangements: a National Committee on Sustainable Development and the Environment monitors the implementation of the measures adopted in the Grenelle Laws

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and reports once a year to Parliament to suggest improvements. The committee also formulates, monitors and evaluates sustainable development and biodiversity national strategies. The committee is chaired by the Ministry of Environment, and consists of the inter-ministerial delegate for sustainable development, representatives of the State, the private sector, environmental NGOs and unions. It has six members who represent family, consumer protection, solidarity, social integration, youth, development aid and a representative of the Chamber of Commerce and Industry. In total, it has 41 members.

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<b>Name of law</b>	<b>Energy Policy Framework (POPE, No. 2005-781)</b>
<b>Date</b>	2005
<b>Summary</b>	<p>This law, adopted after two years of public debate, defines the objectives and orientations of France's energy policy (energy security, competitive energy market, fight climate change, manage demand, diversify sources of supply, develop new technology). The bill states that tackling climate change is a priority of France's energy policy.</p> <p>It contains objectives to increase the share of renewable electricity in the national energy mix, to diversify energy sources and increase energy efficiency. The targets include:</p> <ul style="list-style-type: none"><li>• Reduce energy intensity by 2% annually between 2005 and 2015, and by 2.5% between 2005 and 2030</li><li>• Decrease GHG emissions by 3% per year and total emissions by 75% by 2050</li><li>• Increase the share of renewable electricity in national energy production to 10% of French energy demand by 2010</li></ul> <p>The Law creates a High Council on Energy to manage all aspects of the energy sector (including a White Certificate scheme to encourage energy efficiency). It also includes new incentive mechanisms such as tax exemptions, energy label for building and a White Certificate Programme to encourage energy efficiency among firms in the energy sector as envisaged in the 2004 Climate Plan.</p> <p>Transposition of the EU Directive on the Energy Performance of Buildings (standards, energy performance certificate, energy efficiency studies before construction begins).</p> <p>Information campaigns targeting both schoolchildren and consumers.</p> <p>Energy Technology R&amp;D: The government will publish its domestic research strategy, to be revised every five years, and report each year to Parliament regarding development of renewable energies and energy efficiency programmes. Funds have been given to the National Research Agency.</p> <p>The government must elaborate a Climate Plan every two years. It also demands support for regional and municipal programmes of energy management.</p> <p>The Energy Policy is to be updated by 2015 by the 'Law for energy transition and green growth' that is currently in the process of adoption.</p>

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## France: Executive portfolio

<b>Name of policy</b>	<b>Climate Plan (Policy framework)</b>
<b>Date</b>	2013
<b>Summary</b>	<p>As envisaged in the Energy Policy Framework (2005), the government has regularly updated the Climate Plan (2004, 2006, 2009, 2011), with the last update published in June 2014, integrating recent EU legislation. The Climate Plan covers nine Action Areas:</p> <ul style="list-style-type: none"> <li>• Transport</li> <li>• Residential tertiary</li> <li>• Industry and energy generation</li> <li>• Agriculture</li> <li>• Forestry</li> <li>• Waste</li> <li>• Exemplary role of the state and territorial authorities</li> <li>• Businesses</li> <li>• Research</li> </ul> <p>For each category, the Plan summarises targets and objectives set through different climate and energy related legislation as well as EU legislation, and evaluates the achievements to date.</p>

<b>Name of policy</b>	<b>Thermal Regulation 2012 (RT 2012)</b>
<b>Date</b>	2012
<b>Summary</b>	<p>The Regulation replaces the Thermal Regulations 2000 and 2005, introducing more stringent regulations of thermal insulation and heating systems.</p> <p>RT 2005 required 15% improvement of thermal efficiency (compared to a building constructed following the guidelines of RT2000) and applied to new buildings. It also created a labelling system to identify energy efficient buildings and introduces measures to discourage air-conditioned buildings in France. Calculations now include natural lighting and renewable energy sources. RT 2012 strengthens the existing requirements (and lays down the following main requirements:</p> <ul style="list-style-type: none"> <li>• Minimum energy efficiency requirement for the ‘bioclimatic need’ – “Biomax” of the building (isolation, efficiency of heating and lighting systems)</li> <li>• Maximum average primary energy consumption of the building below 50 kWh/m<sup>2</sup>/year – “Cmax”</li> <li>• ‘Summer comfort requirement (maximum interior temperature for 5 consecutive summer days) to encourage bioclimatic architecture</li> </ul> <p>Additional requirements and guidelines are set for: the general building quality, living comfort, preference for renewable energies, good energy use of the building, potential for energy production beyond self-sufficient production.</p> <p>Overall, the RT 2012 aims at reducing the primary energy consumption in buildings by 150bn kWh between 2013 and 2020 and reducing the CO<sub>2</sub> emissions by 13m-35m tonnes of CO<sub>2</sub> (depending on the method) between 2013 and 2020.</p>

<b>Name of policy</b>	<b>National Climate Change Adaptation Plan</b>
<b>Date</b>	2011
<b>Summary</b>	<p>The Climate Change Adaptation Plan follows from the National Adaptation Strategy 2006, which sets the overarching principles and strategic directions for a comprehensive and multi-actor adaptation action. The Adaptation Plan also aims to prevent inappropriate adaptation and ensure consistency across public policy measures relating to adaptation. It contains a large number of measures relating to research and observation.</p>

The plan is a set of 20 Action sheets with 84 actions detailed in 230 measures, set to begin mainly in 2011 or 2012.

The funding for the plan is estimated at EUR171m (USD214.6m), excluding civil service staff costs, with an additional EUR391m (USD490.6m) in Future Investments contributing indirectly to adaptation. Several measures are also being funded through the Drought Plan and the Rapid Flooding Plan (EUR500m, USD627.5 for 2011-2016).

The Adaptation Plan deals with measures on a national scale, with regional responsibility for adaptation lying with the Regional Climate, Air and Energy Programmes and Regional Climate-Energy Plans.

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<b>Name of policy</b>	<b>Bonus-Malus: vehicle CO<sub>2</sub> bonus and penalty system</b>
<b>Date</b>	2007
<b>Summary</b>	Following the “Grenelle of the environment” process, a combined bonus and penalty system was announced to encourage the purchase of low-polluting vehicles.  The bonus system applies to new vehicles purchased from 5 December 2007 and is provided as a function of the CO <sub>2</sub> emitted.

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<b>Name of policy</b>	<b>Climate Plan 2004</b>
<b>Date</b>	2004
<b>Summary</b>	After extensive inter-ministerial discussions, the plan was postponed five times and finally adopted in 2004. The goal of the Climate Plan 2004 was to reinforce the National Programme for Tackling Climate Change and to implement a pragmatic set of tools to respect France’s Kyoto commitments. In particular, the Plan aimed to contribute to achieving the following targets: <ul style="list-style-type: none"><li>• reduce by 75% the level of emissions in 2050</li><li>• cut 72m tonnes of CO<sub>2</sub> emissions annually until 2010</li></ul> The Plan envisaged the 2005 “French National Allocation Plan 2005–2007” (Implementation of the 2003 European Directive creating an EU Emissions Trading Scheme). The scope of the French NAP has been enlarged to installations of other sectors not mentioned in the European Directive (chemicals, agro-food, services), adding more than 700 installations. The new entrants reserve has increased to 5.69mt.  Most of the Climate Plan energy supply side-measures rest on the 2005 Framework law on Energy. <ul style="list-style-type: none"><li>• Tax exemption for solar energy installations (40% in 2005, 50% in 2006).</li><li>• The Finance Law 2005 includes the creation of a tax exemption that aims to support the integration of energy efficient equipment, materials and devices in private homes. This provision is to be applied from 2005 to 2009 with 40% tax relief on equipment producing renewable energy.</li><li>• April 2005: Air conditioners must have energy label</li><li>• Finance Law 2006: Tax or malus on the registration document acquired for the purchase of cars producing more than 200g CO<sub>2</sub>/km</li><li>• Increase of tax relief for clean vehicles (from EUR1,525 (USD1,914) to EUR2,000 (USD2,510))</li><li>• May 2006: Energy Label for new cars made mandatory (transposition of EU directive of 1999)</li><li>• Biofuel Plan: objective 5.75% share of Biofuels in 2010 (transposition of the Biofuel European Directive), development of a network of biofuel stations</li><li>• Tax reliefs for organic farmers introduced</li></ul>

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- Extension of Company Mobility Plans. This is a set of measures that incites and helps companies to improve professional transportation plans, reducing the use of individual cars
- Acceleration of the construction of new High Speed railways

The Climate Plan applies across various ministries, which turn it into more detailed sectoral plans, after which different tools and regulations are developed and implemented. Elaboration of voluntary regional plans and subsidies for renewable energy (Alsace and Rhône-Alpes). Support of local administrations (regions, departments) to develop their own policies and regulations (urban planning, CO<sub>2</sub> quantification etc.).

The Plan Climat 2004 mandates ONERC to prepare a strategy for national adaptation to climate change and to lead a certain number of projects in this field. The plan is monitored by an inter-ministerial mission on GHGs.

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