

ESD implementation in France

In France, implementation of the ESD is the responsibility of the Ministry of Ecology, Energy, Sustainable Development and the Sea. All ESD requirements are already in place: France has implemented all articles of the directive.

Legal context

In the wake of the Kyoto Protocol, France made a commitment to reduce its greenhouse gas emissions to their 1990 level by 2010: measures were set out in the Climate Plan and described in the *Loi de programme fixant les orientations de la politique énergétique* ("POPE" - Energy Planning Act, Law n°2005-781).

Long term agreements with industry and the commercial sector, energy saving certificates (CEE) and the "Grenelle de l'Environnement" (Environment Round Table) play an important role in achieving the target of the ESD. The aim of the Environment Round Table, initiated in 2007, was to define the key points of government policy on ecological and sustainable development issues for the coming five years. The first "Grenelle" law has been voted in August 2009 and the second legislative implementation of the "Grenelle", still under discussion, will be voted in the next few months. Implementation of the ESD in France is aiming to maximize cost-effectiveness and the prevention of complex and non-transparent legislation. Therefore, detailed information on national policy measures in the framework of the ESD can be found in the French Energy Efficiency Action Plan 2007.

Status of the implementation

Even if a formal transposition of some elements is still on its way, France has reached a full implementation of the ESD requirements. The following table identifies the ESD articles covered by the proposal:

Directive	French transposition
Article 1	No need for implementation
Article 2	No need for implementation
Article 3	No need for implementation
Article 4 – 1,2 & 3	Transposition implemented in the French Neeap

Directive	French transposition
Article 4 - 4	DGEC (energy & climate service from the Ministry) in charge of the transposition and the coordination of the Neeap, ADEME in charge of implementing programs
Article 4-5	No need for implementation
Article 5	<p>Several measures are in place in France, corresponding to the list of possible measures set out in <u>Annex VI</u>:</p> <p><u>Legislative context :</u></p> <ul style="list-style-type: none"> ▪"Grenelle de l'Environnement" (Environmental Round Table) ▪Prime Minister's bulletin of 3/12/08 on the "State's exemplary role" programme ▪Bulletin of 09/1/16on the state's property policy ▪National Strategy for Sustainable Development, 2009-2012 (SNDD in French) ▪National Action Plan for sustainable public procurement 2007-2009: Creation of a State Procurement Department – decree of 09/3/17 <p><u>In the future "Grenelle 2" law:</u></p> <p>Launch a technological breakthrough programme for new buildings:</p> <ul style="list-style-type: none"> ▪Low consumption (50kWh/sq.m/year): all public buildings, social housings and buildings of the tertiary sector in 2010; all buildings in 2012 (example: ADEME's head office built in Angers under the "ADEME's exemplary role" programme. The building features high environmental quality (HEQ), very high energy efficiency and low energy consumption, with an A rating on the Energy Performance Scale). ▪Widespread adoption of positive-energy buildings in 2020. <p>A radical improvement in energy performance in existing buildings: an average reduction of 38% of CO2 emissions of the pool of existing buildings by 2020:</p> <ul style="list-style-type: none"> ▪Launch of the state's Public Building Plan: mandatory energy audits (energy performance diagnosis EPBC) by 2010 and launch of improvements by 2012 (article e) annex VI) ▪Greenhouse gas emissions report for private companies with over 500 employees in heavily polluting sectors; public-law corporations with over 250 employees; and the major local authorities (over 50,000 inhabitants). Use of the Bilan Carbone® (carbon balance method) by public administrations (completion in central departments by year-end 2008, followed by distribution to decentralized departments). ▪Financial instruments for funding retrofitting of public buildings (Public Private Partnership [PPP], Public Internal Performance Contracting [PICO]) ▪Local community can applied for White Certificates <p><u>Binding measures chosen in the Annex VI:</u></p> <p>Article e) (Article 5 from Law n° 2009-967 09/8/3 Grenelle 1)</p> <p>Article b) : decree : 20% of efficient vehicles</p> <p>the climate & EE service from the Ministry of Ecology is in charge of the implementation</p>
Article 6	Article 90 from program law of 05/07/13
Article 6, 2, part a&b	According to the ESD, Member States have the opportunity to choose to follow one of the two points a) or b) of Article 6, paragraph 2. In this context, the white certificates for energy savings created by France since 2006 is an instrument based on the market as described in paragraph 2 point b). This device has been established by Articles 14 to 17 of Law n° 2005-781 "POPE".
Article 6, 3	The white certificates' scheme, the tax credit on energy efficient products and actions in existing main homes, the 0% eco-credit, the Energy

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Directive	French transposition
	Information centers are measures that improve energy efficiency awareness to all type of actors
Article 6, 3 to 5	No need for implementation
Article 7	<ul style="list-style-type: none"> - Decret on advertising of 28/11/06: all advertising from distributors have to be linked to an EE incentive message - Incentive campaigns from ADEME “ be careful, the temperature is rising!” - promotion of ecodriving training through the white certificates' scheme
Article 8	<p>A French committee for accreditation was established in 1994 (COFRAC). Moreover, a number of measures have being developed to establish the qualifying companies in the field of energy management:</p> <ul style="list-style-type: none"> -Qualified firms to perform periodic monitoring and inspection of boilers -Qualified firms to perform diagnostics of energy performance of buildings
Article 9	<p>No need for implementation</p> <p>The approach to the Energy Performance Contracting (EPC) is still very recent in France, but EPC could spread rapidly, particularly under the leadership of the Environment Round Table. At the initiative of ADEME, a consortium of actors (the ClubS2E) was created in 2006 to promote energy efficiency services. For example, that consortium published in 2008 a guide on EPC in the public sector.</p> <p>EPC are encouraged by the evolution of the regulatory environment in France (art 5- Grenelle 1), but it is not mandatory yet.</p>
Article 10	<p>No need for implementation</p> <p>In France, rates for transmission and distribution of gas and electricity are not regressive depending on volumes involved. The 22-Article VII of the Act of February 10, 2000 on the modernization and development of public service for electricity poses specifically the principle of charging according to the energy consumed.</p>
Article 11	<p>No need for implementation</p> <p>The creation of such a fund is not required. At this stage there are no plans to implement such a provision. a Carbon tax will be implemented in France in 2010. The climate-energy contribution (CEC) is the official name given in France to the carbon tax. This contribution consists of an environmental tax on CO2 emissions. It aims to limit emissions of greenhouse gas emissions, including carbon dioxide, to fight against global warming.</p> <p>At the end of 2009, this tax is discussed in Parliament for implementation in 2010.</p>
Article 12	<p>No need for implementation</p> <p>ADEME has supported and structured supply of such audits with references, lists of independent actors and subsidies in all sectors: buildings, industry, etc...</p> <p>An online tool on the ADEME website allows households to calculate their energy consumption.</p> <p>See Article 8</p>
Article 13, 1	Already transposed
Article 13, 2 and 3	<p>The law of December 7, 2006 (art. 42) amended the provisions relating to contracts for the supply of electricity and gas (information)</p> <p>The law of December 7, 2006 on the energy sector, which transposes the provisions relating to consumer protection of the directives 2003/54 and 2003/55 of June 26, 2003, amends Articles L 121-86 to L 121-94 of the</p>

Directive	French transposition
	Consumer Code regarding contracts, their content and the information requirements.
Article 14	No need for implementation The Ministry of Finance and the Climate Department of the Ministry of Ecology + energy observatory notified for November 17, 2006: - Calculation of energy savings certificates used for energy saving - Methods used by OE - Calculation of energy intensity 1st NEEAP was written by the Climate & EE department of The Ministry of Ecology.
Article 15	No need for implementation
Article 16	No need for implementation
Article 17	No need for implementation
Article 18	No need for implementation
Article 19	No need for implementation
Article 20	No need for implementation

Table 1 – Implementation table

Additional efforts

The Climate Plan is the plan of action for the French government in meeting the objective of the Kyoto Protocol by 2010, acting in accordance with the challenge posed by climate change by 2010. Forecasts indicate that emissions in France tend to exceed by 10% the 2010 Kyoto target, mainly due to an CO2 emissions' increase in daily life areas (buildings, transportation, ...). Therefore, the Climate Plan includes measures in all sectors of the economy in order to save 54 million tonnes of CO2 equivalent per year by 2010. Two evaluations of implementation have been made in November 2005 and January 2007. An updated Climate Plan was presented in November 2006. In addition, initial measurements and operational projects of the "Grenelle de l'Environment" complement and reinforce the Plan so that France follows its targets:

-20% reduction in CO2 emissions by 2020

-Division by 4 of its emissions by 2050 (reduction of greenhouse gas emissions by 30% compared to 1990)

Future planning

At the time of writing, no adoption date for the Grenelle 2 law had been set by the Senat. Reporting on implementation will follow the requirements as stipulated in the Directive.

The evaluation of the first NEEAP is in progress. France works on Energy Efficiency improvement measures; different groups on energy subjects have been created to work on the France Climate plan and the preparatory process for development of the 2nd NEEAP. The goal of those Committees is:

-to address in the best possible way the reporting requirements of France prepared by the Department for Climate change Control (Climate Plan, report on mechanisms for monitoring GHG emissions, national communication of France to the UNFCCC) and reporting requirements of other DGEC services (Climate & EE departement) : NEEAPs & National Action Plan for renewable energy.

-To anticipate deadlines for monitoring the implementation measures and comparing assessments.

-To ensure consistency in the proposed assessment and enable to share results ; indeed different agencies or departments work on assessments (including ADEME) with often different hypothesis,

-to make proposals for new measures or amendments to existing measures at the end of next financial reporting (eg climate plan in 2011).

Relevant information

National Energy Efficiency Action Plan: http://ec.europa.eu/energy/demand/legislation/doc/neeap/france_fr.pdf

Ministry of Ecology, Energy, Sustainable development and the Sea: <http://www.developpement-durable.gouv.fr/>

More information on French White Certificate can be found here:

<http://www.developpement-durable.gouv.fr/energie/developp/econo/cee-sommaire.htm>