

ESD implementation in France

In France, implementation of the ESD is the responsibility of the Ministry of Ecology, Sustainable Development, Transportation and Housing. 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 "Grenelle" law has been voted in July 2010. 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 second French Energy Efficiency Action Plan, which will be send to the Commission before the end of June 2011.

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 first and second French Neeap

Directive	French transposition
Article 4 - 4	DGEC (energy & climate service for 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

Directive	French transposition
Article 5	<p>Several measures are in place in France (see more detail in 2nd French NEEAP), 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 ▪ National Strategy for Sustainable Development, 2010-2013 (SNDD in French) ▪ Public procurement rules ("code des marches publics") <p><u>In the "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 EPBD) by 2010 and launch of improvements by 2012 (article e) annex VI) ▪ Greenhouse gas emissions report for private companies with over 500 employees; 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). ▪ "Climate Energy Local Plans" and "Climate Air EnergyRegional Scheme" are also foreseen by Grenelle laws. ▪ News tools about town planning for local authorities have been set by Grenelle laws ▪ Several call for projects about "green cities" have been implemented (Ecoquartiers, Ecocités...) ▪ Financial instruments for funding retrofitting of public buildings (Public Private Partnership [PPP], Public Internal Performance Contracting [PICO]) ▪ Local community can apply for White Certificates <p>Binding measures chosen in the Annex VI: Article e) (Article 5 from Law n° 2009-967 09/8/3 Grenelle 1) Article b) : Prime Minister's bulletin of 3/12/08 on the "State's exemplary role" programme ; Article 12 from Law n° 2011-12 11/01/05.</p> <p>Concerning public procurement, guidelines documents can be found at the following address : http://www.economie.gouv.fr/directions_services/daj/marches_publics/oeap/gem/table.html</p> <p>the climate & EE service from the Ministry of Ecology is in charge of the implementation. Public information about the implantation of these measures can be found on the internet, for example see the assessment for 2009 of Prime Minister's bulletin of 3/12/08 on the "State's exemplary role" programme : http://www.developpement-durable.gouv.fr/spip.php?page=article&id_article=18737</p>
Article 6	Article 90 from program law of 05/07/13

Directive	French transposition
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 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 - Law Grenelle 2 foresees to give more detailed information to consumer. A project of decree is being elaborating and should be published in 2011. - Smart meters have been experimented at the end of 2010/beginning of 2011. An evaluation process of the experimentation is under progress. - Many internet websites, the majority of them implemented by ADEME give informations to citizens about energy savings. - Dedicated entities (like "Espace Info Energie") give advice about energy savings <p>See more details in French Second Neemap</p>
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 recent in France, but EPC can 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>In 2010, the Ministry of Ecology, Sustainable Development, Transportation and Housing published an official guide on EPC in the the public sector, and the Mission supporting Public-Private Partnerships (Ministry of Economy) published a EPC template.</p> <p>EPC are encouraged by the evolution of the regulatory environment in France (art 5 – Grenelle 1 and art 7 – Grenelle 2), but 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.</p>

Directive	French transposition
Article 12	No need for implementation ADEME has supported and structured supply of such audits with references, lists of independent actors and subsidies in all sectors: buildings, industry, etc... An online tool on the ADEME website allows households to calculate their energy consumption. http://www.coachcarbone.org/ See Article 8
Article 13, 1	Already transposed
Article 13, 2 and 3	The law of December 7, 2006 (art. 42) amended the provisions relating to contracts for the supply of electricity and gas (information) 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 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 The 1 st and 2 nd NEEAP were written by the Climate & EE department of The Ministry of Ecology with the support of ADEME on the 2 nd NEEAP.
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

Evaluations realized for French second Neeap show that the ESD 2010 target is achieved, and that the results of the implemented measures should guarantee the achieving of the 2016 target (evaluation through modelling). France then looks forward the achievement of its objective in 2020 (European energy climate package) and 2050. However, the following points should be carefully considered and monitored to secure these achievements:

- The rate of existing buildings renovations. Achieving the Grenelle objective of a 38% reduction of the energy consumption of existing buildings by 2020 requires a sustained rate of renovations until 2020.
- Strong incentive tools, addressing both financial and non-financial barriers, should be maintained until 2020 to support this renovation rate, in a increasingly constrained budgetary context.

- The effective implementation of the investment program in transport infrastructure. The current investment trend is essential to maintain, to ensure a modal shift in favour of public transportation (for passenger transport);
- The modal shift in transportation of goods have to be strengthened: the Grenelle has set a very ambitious goal of a 25% share of non-road and non-air modes for transportation of goods in 2022 (against 14% currently);
- The effective capacity of adaptation of industrial clusters and sectors (innovation, technological breakthroughs, etc.).
- The level of mobilization of all actors and the efficiency of the support system (training, behavioural change, etc.).

Future planning

Reporting on implementation will follow the requirements as stipulated in the Directive.

At the time of writing, the 2nd French Neeap is being finalized. It includes an evaluation of the first Neeap.

The elaboration of the French Second Neeap is the result of a cooperative and iterative process started in September 2009. Every relevant actor (directorates of ministries, technical experts from different agencies including ADEME, ...) were associated to the description of the implemented measures and to the validation of the document, through the Committees cited below. The second Neeap will finally be adopted by the government after a formal consultation of every ministry.

Different groups on energy subjects have been created to work on the France Climate plan and the development of the 2nd NEAAP. 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 the next Climate Plan in 2011).

Relevant information

First National Energy Efficiency Action Plan:

- http://ec.europa.eu/energy/demand/legislation/doc/neeap/france_fr.pdf

Ministry of Ecology, Sustainable development, Transportation and Housing :

- <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>

More information on energy efficiency (some examples):

- <http://ecocitoyens.ademe.fr/> ,
- <http://www.infoenergie.org/>,
- <http://www.mtaterre.fr/>,
- <http://www2.ademe.fr/servlet/list?catid=12423>