



Legal Country Mapping

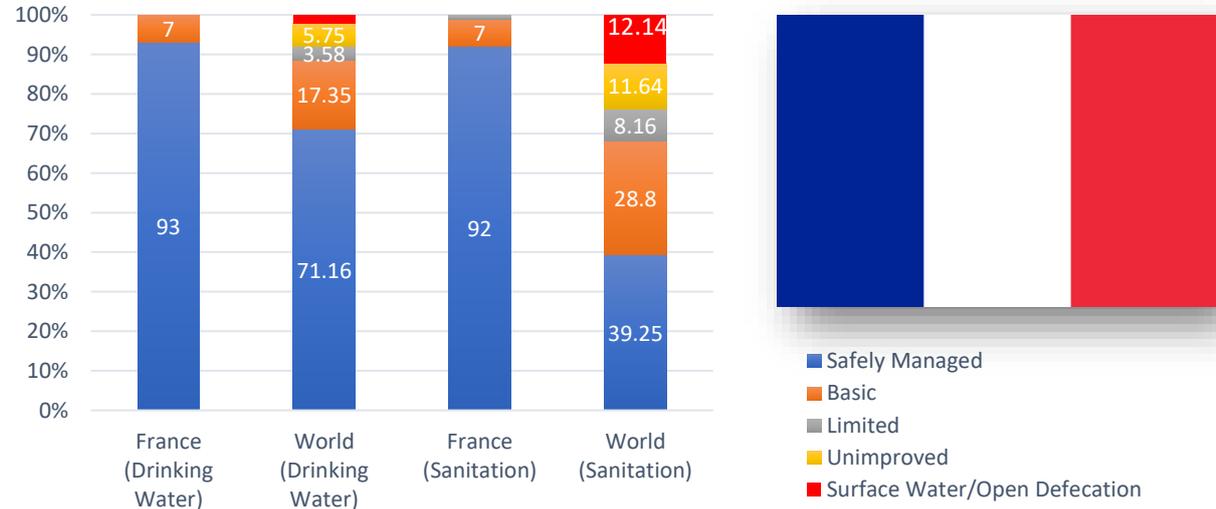
France

04/2018

France Country Mapping

Water and Sanitation Status

JMP Statistics 2015



General Legislation

Member of a regional integration organisation	Yes (EU)
State Organisation	Unitary
Relationship between International and National Law	Monist
Supreme Law	Constitution
Independent National Human Rights Institutions (NHRI)	Yes
Name of National Institution possessing regulation-making authority	Parlement français
Popular consultation as part of governing/legislative process	Yes

Water Governance

Right to Water or Sanitation mentioned in Constitution	No
A water code or a law specific to water resources	Yes
National Strategy, Policy, Action Plan etc. on Water and Sanitation	Yes
Transboundary Water Resources	Yes
Priorities in the allocation of water for different uses	No

Legal Framework

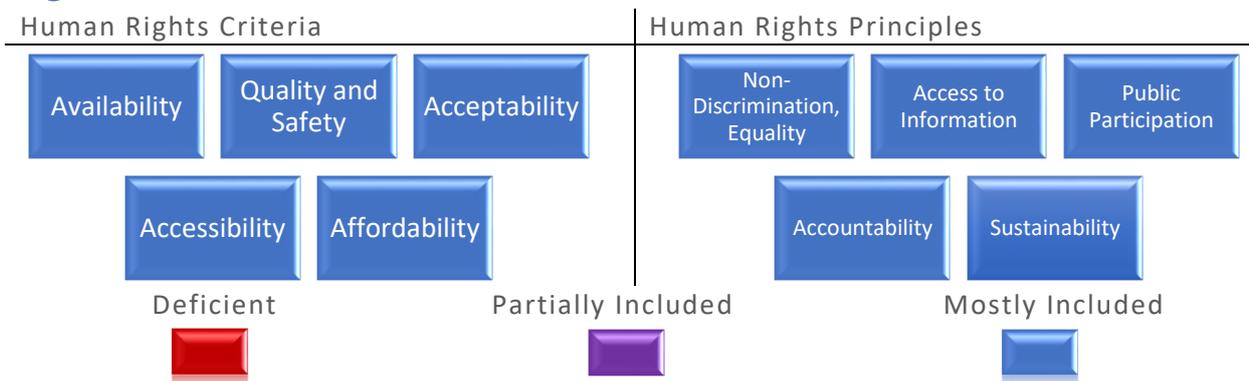


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CHAPTER 1. WATER GOVERNANCE OVERVIEW

A. Preliminary Questions

What type of State is the country? (e.g. Federal, Unitary, etc)

France is a unitary State but organized on a decentralized basis (art.1, Constitution).

How is the government organised politically?

The Government of the French Republic exercises executive power in France (art.20, Constitution). It is composed of a prime minister, who is the head of government (art.21), and both junior and senior ministers. Senior ministers are titled as Ministers (French: Ministres), whereas junior ministers are titled as Secretaries of State (French: Secrétaires d'État). A smaller and more powerful executive body, called the Council of Ministers (see: art.38, 39), is composed only of the senior ministers, though some Secretaries of State may attend Council meetings (art.13). The Council of Ministers is chaired by the President of the Republic (art.9), unlike the government, but is still led by the Prime Minister.

Division of government powers exist?

Yes. Art. 21 establishes the way the government is organized. The Prime Minister directs the actions of the Government and delegates certain of his powers to Ministers. He is responsible for national defence. He ensures the implementation of legislation. Being subject to article 13, he has power to make regulations and makes appointments to civil and military posts.

Which institutions and levels of government have legislative powers?

First, the French Constitution states in art. 13 that the French President has regulatory power, but only for the most important texts (i.e. the decrees deliberated in the Council of Ministers).

In general, the Prime Minister possesses regulation-making authority and can delegate some of its power to the Ministers (art.21). Both the Prime Minister and Members of Parliament shall have the right to initiate legislation (art.39).

In addition, at the local level, local authorities possess regulation-making authority for matters within their jurisdiction (art. 72).

Finally, pursuant to Decree No.2017-1071 dated 24 May 2017, art. 1, the Ministry of solidary and ecologic transition of Environment possesses regulation-making authority in terms of policy-making that concerns environment.

Who has the power to ratify treaties?

Art. 52 of the Constitution states that the President of the Republic shall negotiate and ratify treaties. However, Peace Treaties, Trade agreements, treaties or agreements relating to international organization, those committing the finances of the State, those modifying provisions which are the preserve of statute law, those relating to the status of persons, and those involving the ceding, exchanging or acquiring of territory, may be ratified or approved only by an Act of Parliament (art. 53).

Is there popular consultation as part of governing/legislative process?

Yes. Art. 3 of the constitution states that "*national sovereignty shall vest in the people, who shall exercise it through their representatives and by means of referendum*". The President of the Republic can submit to a referendum certain Government Bills (art.11). The Constitutional Council ensures the proper conduct of referendum proceedings as provided for in articles 11 and 89 and in Title XV of the Constitution and shall proclaims the results thereof (art. 60).

Has the country established a basin management agency? Is it autonomous?

Yes. Serving as basin management agencies as well, there are six Water Agencies ("Agences de l'eau") established by article L.213-8-1 of the French Environmental Code:

- Water Agency of Adour-Garonne;

- Water Agency of Artois-Picardie;
- Water Agency of Loire-Bretagne;
- Water Agency of Rhin-Meuse;
- Water Agency of Rhône-Méditerranée-Corse;
- Water Agency of Seine-Normandie;

These agencies operate under the direction of the French Minister for the Environment, pursuant to article R.213-31 of the French Environmental Code.

Does the country have transboundary water resources?

Yes. France shares several transboundary water sources with other countries, such as e.g. the Rhone (with Switzerland), the Moselle (with Luxembourg and Germany), the Meuse (with Belgium and the Netherlands), the Rhin (with Germany, Switzerland, Austria, Netherlands and Lichtenstein) or the Lake of Geneva (with Switzerland).

Where transboundary water resources exist, is there an established international institution for basin management?

No. There is no international institution for basin management. However, to coordinate the actions of all river basins included within the perimeter of an international river basin district, international treaties have established international commissions such as:

- **The International Commission for the Protection of the Rhine (CIPR)** (established by the Convention on the Protection of the Rhine and published in France by Decree No.2006-35 dated 11 January 2006)
- **The International Commission for the Meuse (ICM)** (established by the International Agreement of the Meuse and published in France by Decree No.2011-1015- dated 24 August 2011),
- **The International Scheldt Commission (ISC)** (established by the Treaty of Ghent and published in France by Decree No.2006-1082 dated 28 August 2006).

Does it have any responsibility in relation to drinking water?

Yes. All mentioned Commissions have the task to makes sure the riparian states and regions can mutually and multilaterally harmonise the implementation of their obligations imposed by the Water Framework Directive.

The European Water Framework Directive requires among other obligations to provide a “good quantitative status” for groundwater to grant sufficient amounts of water and a “good chemical status” in order to grant a sufficient quality of drinking water.

B. The country is a member of a regional integration organisation?

Which countries form part of this organisation?

Art. 88-1 of the Constitution sets out that France is part of the European Union (the EU).

Following Countries form part of this organisation: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

Are the decisions of the organisation binding for the members? The aims set out in the EU treaties are achieved by several types of legal act. Some are binding, others are not. Some apply to all EU countries, others to just a few.

Regulations: A "regulation" is a binding legislative act. It must be applied in its entirety across the EU.

Directives: A "directive" is a legislative act that sets out a goal that all EU countries must achieve. However, it is up to the individual countries to devise their own laws on how to reach these goals.

Decisions: A "decision" is binding on those to whom it is addressed (e.g. an EU country or an individual company) and is directly applicable.

Recommendations: A "recommendation" is not binding and allows the institutions to make their

views known and to suggest a line of action without imposing any legal obligation on those to whom it is addressed.

Opinions: An "opinion" is an instrument that allows the institutions to make a statement in a non-binding fashion, in other words without imposing any legal obligation on those to whom it is addressed. An opinion is not binding. It can be issued by the main EU institutions (Commission, Council, Parliament), the Committee of the Regions and the European Economic and Social Committee.

What is the mandate of the organisation?

The goals of the European Union are:

- promote peace, its values and the well-being of its citizens;
- offer freedom, security and justice without internal borders;
- sustainable development based on balanced economic growth and price stability, a highly competitive market economy with full employment and social progress, and environmental protection;
- combat social exclusion and discrimination ;
- promote scientific and technological progress;
- enhance economic, social and territorial cohesion and solidarity among member countries;
- respect its rich cultural and linguistic diversity;
- establish an economic and monetary union whose currency is the euro.

Does the regional organisation have the authority to regulate or make decisions which affect water and sanitation?

Yes, the Framework Water Directive of the European Parliament and of the Council (dated 23.10.2000) establishes a framework for Community action in the field of water policy.

C. Water Governance and Administration

What is the structure of the government water administration (provide relevant organizational charts whenever available) and what power, role and responsibilities does the Government have at each level?

At national/federal level?

At the national level, the Minister for Ecology, Sustainable Development and Energy is in charge of managing the Government actions in the water sector.

Decree No.2005-636 dated 30 May 2005 related to the administrative organization of the water sector and the mission of the prefect coordinating the basin, art.1

"The minister is in charge of coordinating various ministers' actions, specifically those that concern the water sector, and ensures the implementation of all the decisions taken." (Unofficial translation)

The Ministry for Ecology, Sustainable Development and Energy's policies concerning water administration are implemented by the Directorate-General in charge of the territory planning, housing and town planning, and the environment.

Moreover, the Minister for Ecology, Sustainable Development and Energy is assisted by an inter-ministerial water mission that periodically brings together representatives of ministries interested in water issues, who submit opinions on law and order drafts, and undertake any political actions impacting water resources (French Environmental Code, art. R.213-13)

In addition, the Minister for Ecology, Sustainable Development and Energy is assisted by the National Water Agency (Comité national de l'eau), which issues opinions about planning and water resource allocation projects with a national or regional impact (French Environmental Code, art. L.213-1 and D.213-6)

Finally, the Minister for Ecology, Sustainable Development and Energy is also assisted by the French Agency for Biodiversity, an entity which, among other things, organises and produces high-level science and technology advice to assist in formulating, implementing and evaluating public water policy and restores the good ecological status of water and aquatic environments (French Environmental Code, art L.131-8)

At the intermediate level (state, river basin, other)?

The prefect of the region, where the basin committee is located, is called the “prefect coordinating the basin” (préfet coordonnateur de bassin). Its role is to coordinate, at the intermediate level, the actions of the various State services in the water sector. It is assisted on its missions by a basin administrative commission (French Environmental Code, art. L.213-7 and R.213-15-II)

At the local level?

The following State deconcentrated services, under the prefect of the department’s authority, implement the State policy for the regulatory and technical aspects at the local level:

Regional Directorates for Environment, Planning and Housing (Directions Régionales de l'Environnement, de l'Aménagement et du Logement) which is responsible for elaborating and implementing the policies of the State in terms of Environment, Development, and Sustainable Management, in fields such as e.g. water management or pollution prevention (Decree No.2009-235 dated 27 February 2009, art.1).

Departmental Directorates for the Territories (Directions Départementales des Territoires)

which is in charge of planning and sustainable development policies. It implements politics e.g. for the protection and the sustainable management of water resources, natural, forest and rural areas as well as the amelioration of the environment through the execution of diverse policies (Decree No.2009-1484 dated 3 December 2009, art. 3).

Health Regional Agencies (Agences Régionales de Santé) in charge, among others, of the drinking water and bathing waters quality (French Public Health Code, art. L. 1431-1).

Which government ministries/agencies are directly or indirectly involved in governance of water and sanitation?

The Prime Minister, the Ministry of Environment, the Ministry of Housing and Construction, the Ministry of Health, the Ministry of Homeland, the Ministry of Economy, the Ministry of Agriculture, and the Ministry of Local and Regional Territories.

CHAPTER 2: INTERNATIONAL AND REGIONAL TREATIES

1. Has the country ratified the following international or regional treaties and declarations?
Please insert the date of the signature/ratification/accession.
2. Has the country made any declaration or reservation to the following instruments?

A. Regional Multilateral/Bilateral Treaties

Table 1. Regional multilateral and bilateral treaties

Instruments	Signature	Ratification	Entry into force
European Convention on Human Rights (1950) <u>Reservation/Declaration:</u> ¹ Articles concerned: 5, 6, 15, 56.	04.11.1950	03.05.1974	
UNECE London Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International lakes (1999)	17.06.1999	06.05.2005	04.08.2005
Protocol to establish a tripartite standing committee on polluted waters (Belgium, France Luxembourg)			08.04.1950
Protocol concerning the Constitution of an International Commission for the Protection of the Mosel Against Pollution (France, Germany, Luxembourg)			01.07.1962
Convention concerning the Supply of Water to the Commune of Menton (France, Italy)			14.10.1972
Convention on the Delimitation of the Continental Shelves of the two States in the Bay of Biscay (France, Spain)			29.01.1974
Agreement concerning Navigation on Lake Geneva (France, Switzerland)			01.01.1979
Agreement on behalf of the Republic and the Canton of Geneva on the Dephosphorization of the Waters of Lemman Lake (France, Switzerland)			08/07/1981
Convention concerning the Improvement of the common river Lys between Deulemont and Menin (France, Belgium)			01/07/1983
Agreement in the form of an Exchange of notes: Council amending the Agreement of 20 November 1980 on the phosphorus removal of the waters of Lake Geneva (France, Switzerland)			19/09/1995
Agreement on Cooperation on Sustainable Development and Energy Management (France, Mauritius)			8/01/2013

¹ https://www.coe.int/en/web/conventions/search-on-states/-/conventions/treaty/005/declarations?p_auth=gM5nr3On

Instruments	Signature	Ratification	Entry into force
Convention for the Renovation and Construction of a Pipeline between the water treatment plant located at Col De Villefranche and the town of Menton, Monaco			21/01/2004
Agreement regarding fishing in Lake Geneva (France, Switzerland)			09/01/ 1982
Agreement amending the Regulation of Navigation on Lake Geneva (France, Switzerland)			24/03/2000
Convention on the Protection of the Rhine			16/11/2000
Convention on the Protection of the Rhine from Pollution by Chlorides modified by Exchange of letters. (France, Germany, Luxembourg, Netherlands, Switzerland)			05/07/1985
Protocol additional to the Convention on the Protection of the Rhine from Pollution by Chlorides (France, Germany, Luxembourg, Netherlands, Switzerland)			01/11/1994
Revised Convention on the Navigation of the Rhine, and as amended as recently as October 21, 1999 by "Additional Protocol No.6 to the Revised Convention on the Navigation of the Rhine."	01/11/2011		
Agreement concerning the environment (France, Turkey)	05/05/1997		
Convention concerning the collection, storage and discharge of waste from ships navigating along the Rhine and other inland waters	09-09-1996		
Agreement on the Protection of the River Meuse (Belgium, France, Netherlands)			01/04/2003
Agreement on the Protection of the River Scheldt (Belgium, France, Netherlands)	26/04/1994		
International Agreements on the River Mass			01/12/2006
Reciprocity agreements for the admission and sale of mineral water used for public utilities in France and Spain			01/10/1925
Agreement on Flood Warnings for the catchment area of the Moselle			06/06/1988
Convention establishing the Council of Geneva (France, Switzerland)			10/06/1987
Exchange of notes constituting an agreement on the implementation of improvement works on the Gander River in Mondorff (France) and Mondorff-les-Bains (Luxembourg)			23/02/1988
Convention on the construction and operation of certain industrial facilities on the Moselle (France, Luxembourg)			12/03/1986
Agreement amending and supplementing the Additional Agreement of 16 July 1975 to the Convention of 4 July 1969 regarding the development of the Rhine between Strasbourg - Kehl and Lauterbourg – Neuburgweier, Germany			17/04/1984
Agreement on Maritime Delimitation (France, Monaco)			16/02/1984

Instruments	Signature	Ratification	Entry into force
Convention on the Protection of the Alps (Alpine Convention)			01/03/1995
International Agreement on the Protection of the Waters of the Mediterranean Coast (France, Italy, Monaco)	10/5/1976		
Exchange of notes regarding the Delimitation of the Border between Brazil and French Guyana (France)			03/07/1980
Protocol under the Convention on the Protection of the Alps (Alpine Convention) on the Settlement of Disputes			15/02/2003
Exchange of notes concerning Provisional Maritime Delimitation between the two countries France and Tuvalu			05/11/1985
Agreement relating to the Delimitation of the Continental Shelf in the Area East of 30 Minutes West of the Greenwich Meridian (France, UK)			24/06/1982
Exchange of notes constituting an Agreement concerning negotiations on the line of maritime delimitation in the area lying between Jersey and France			28/01/1994
Exchange of letters constituting an agreement concerning German-French-Luxembourg cooperation in the frontier areas			16/10/1980
Agreement on the Cooperation in Dealing with Pollution of the North Sea by Oil and other Harmful Substances			01/09/1989
Convention for the Protection of the Marine Environment of the North-East Atlantic			25/03/1998

B. International Treaties

Table 2. International binding instruments

Instruments	Signature	Ratification
<p data-bbox="199 421 890 454">International Covenant on Civil and Political Rights (1966)</p> <p data-bbox="199 488 507 521"><u>Reservation/Declaration:</u></p> <p data-bbox="199 521 1114 656">(1) The Government of the Republic considers that, in accordance with Article 103 of the Charter of the United Nations, in case of conflict between its obligations under the Covenant and its obligations under the Charter (especially Articles 1 and 2 thereof), its obligations under the Charter will prevail.</p> <p data-bbox="199 656 1114 1037">(2) The Government of the Republic enters the following reservation concerning Article 4, paragraph 1: firstly, the circumstances enumerated in Article 16 of the Constitution in respect of its implementation, in Article 1 of the Act of 3 April 1978 and in the Act of 9 August 1849 in respect of the declaration of a state of siege, in Article 1 of Act No.55-385 of 3 April 1955 in respect of the declaration of a state of emergency and which enable these instruments to be implemented, are to be understood as meeting the purpose of Article 4 of the Covenant; and, secondly, for the purpose of interpreting and implementing Article 16 of the Constitution of the French Republic, the terms "to the extent strictly required by the exigencies of the situation" cannot limit the power of the President of the Republic to take "the measures required by circumstances".</p> <p data-bbox="199 1037 1114 1149">(3) The Government of the Republic enters a reservation concerning Articles 9 and 14 to the effect that these articles cannot impede enforcement of the rules pertaining to the disciplinary regime in the armies.</p> <p data-bbox="199 1149 1114 1328">(4) The Government of the Republic declares that Article 13 cannot derogate from chapter IV of Order No.45-2658 of 2 November 1945 concerning the entry into, and sojourn in, France of foreign citizens, nor from the other instruments concerning the expulsion of foreign citizens by force in those parts of the territory of the Republic in which the Order of 2 November 1945 does not apply.</p> <p data-bbox="199 1328 1114 1496">(5) The Government of the Republic interprets Article 14, paragraph 5, as stating a general principle to which the law may make limited exceptions, for example, in the case of certain offences subject to the initial and final adjudication of a police court. However, an appeal against a final decision may be made to the Court of Cassation which rules on the legality of the decision concerned.</p> <p data-bbox="199 1496 1114 1641">(6) The Government of the Republic declares that Articles 19, 21 and 22 of the Covenant will be implemented in accordance with Articles 10, 11 and 16 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950.</p> <p data-bbox="199 1641 1114 1742">(7) The Government of the Republic declares that the term "war", appearing in Article 20, paragraph 1, is to be understood to mean war in contravention of international law and considers, in any case, that French legislation in this matter is adequate.</p> <p data-bbox="199 1742 930 1776">(8) In the light of Article 2 of the Constitution of the French Republic</p>	<p data-bbox="1161 1093 1209 1126">N/A</p>	<p data-bbox="1265 1037 1407 1182">Ratified by on the 4th of November, 1980</p>

Instruments	Signature	Ratification
<p>Optional Protocol to the International Covenant on Civil and Political Rights (1966)</p> <p><u>Reservation/Declaration:</u></p> <p>Declaration: France interprets Article 1 of the Protocol as giving the Committee the competence to receive and consider communications from individuals subject to the jurisdiction of the French Republic who claim to be victims of a violation by the Republic of any of the rights set forth in the Covenant which results either from acts, omissions, developments or events occurring after the date on which the Protocol entered into force for the Republic, or from a decision relating to acts, omissions, developments or events after that date. With regard to Article 7, France's accession to the Optional Protocol should not be interpreted as implying any change in its position concerning the resolution referred to in that article.</p> <p>Reservation: France makes a reservation to Article 5, paragraph 2(a), specifying that the Human Rights Committee shall not have competence to consider a communication from an individual if the same matter is being examined or has already been considered under another procedure of international investigation or settlement.</p>	N/A	Ratified on the 17 th of February, 1984
<p>International Covenant on Economic, Social and Cultural Rights (1966)</p> <p><u>Reservation/Declaration:</u></p> <p>In accordance with the principle whereby all States whose policies are guided by the purposes and principles of the Charter of the United Nations are entitled to become parties to covenants affecting the interests of the international community, the Government of the Republic of Guinea considers that the provisions of Article 26, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights are contrary to the principles of the universality of international treaties and the democratization of international relations.</p> <p>The Government of the Republic of Guinea likewise considers that Article 1, paragraph 3, and the provisions of Article 14 of that instrument are contrary to the provisions of the Charter of the United Nations, in general, and United Nations resolutions on the granting of independence to colonial countries and peoples, in particular.</p> <p>The above provisions are contrary to the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States contained in General Assembly resolution 2625 (XXV), pursuant to which every State has the duty to promote the realization of the principle of equal rights and self-determination of peoples in order to put an end to colonialism.</p>	N/A	Ratified on the 4 th of November, 1980
Optional protocol to the International Covenant on Economic, Social and Cultural Rights (2008)	11.12.2012	18.03.2015

Instruments	Signature	Ratification
<p>Convention on the Elimination of All Forms of Discrimination against Women (1979) <u>Reservation/Declaration:</u></p> <p>Declaration: The Government of the French Republic declares that Article 9 of the Convention must not be interpreted as precluding the application of the second paragraph of Article 96 of the Code of French nationality.</p> <p>Declarations: The Government of the French Republic declares that the preamble to the Convention, in particular the eleventh preamble paragraph, contains debatable elements which are definitely out of place in this context. The Government of the French Republic declares that the term "family education" in Article 5(b) of the Convention must be interpreted as meaning public education concerning the family and that, in any event, Article 5 will be applied subject to respect for Article 17 of the International Covenant on Civil and Political Rights and Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Government of the French Republic declares that no provision of the Convention must be interpreted as prevailing over provisions of French legislation which are more favorable to women than to men.</p> <p>Reservation: Article 29 The Government of the French Republic declares, pursuant to Article 29, paragraph 2, of the Convention, that it will not be bound by the provisions of Article 29, paragraph 1.</p>	Signed on the 17 th of July, 1980	Ratified on the 14 nd of December, 1991
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)	10.12.1999	9.06.2000
<p>Convention on the Rights of the Child (1989)</p> <p><u>Reservation/Declaration:</u></p> <p>(1) The Government of the French Republic declares that this Convention, particularly Article 6, cannot be interpreted as constituting any obstacle to the implementation of the provisions of French legislation relating to the voluntary interruption of pregnancy.</p> <p>(2) The Government of the Republic declares that, in the light of Article 2 of the Constitution of the French Republic, Article 30 is not applicable so far as the Republic is concerned.</p> <p>(3) The Government of the Republic construes Article 40, paragraph 2(b) (v), as establishing a general principle to which limited exceptions may be made under law. This is particularly the case for certain non-appealable offences tried by the Police Court and for offences of a criminal nature. Nonetheless, the decisions handed down by the final court of jurisdiction may be appealed before the Court of Cassation, which shall rule on the legality of the decision taken.</p>	Signed on the 26 th of June, 1990	Ratified on the 7 th of August, 1990

Instruments	Signature	Ratification
<p>The Convention on the Rights of Persons with Disabilities (2006)</p> <p><u>Declaration:</u></p> <p>Declarations: The French Republic declares that it will interpret the term "consent" in Article 15 of the Convention in conformity with international instruments, in particular those that relate to human rights and biomedicine, and with national legislation, which is in line with these instruments. This means that, as far as biomedical research is concerned, the term "consent" applies to two different situations:</p> <ol style="list-style-type: none"> 1. Consent given by a person who is able to consent, and 2. In the case of persons who are not able to give their consent, permission given by their representative or an authority or body provided for by law. <p>The French Republic considers it important that persons who are unable to give their free and informed consent receive specific protection, without prejudice to all medical research of benefit to them. In addition to the permission referred to under paragraph 2 above, other protective measures, such as those included in the above-mentioned international instruments, are considered to be part of this protection.</p> <p>With regard to Article 29 of the Convention, the exercise of the right to vote is a component of legal capacity that may not be restricted except in the conditions and in accordance with the modalities provided for in Article 12 of the Convention.</p>	<p>Signed on the 30th of March, 2007</p>	<p>Ratified on the 18th of February, 2010</p>
<p>Optional Protocol to the Convention on the Rights of Persons with Disabilities (2006)</p>	<p>23.09.2008</p>	<p>18.02.2010</p>
<p>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)</p> <p><u>Reservation/Declaration:</u></p> <p>Reservation: The Government of France declares in accordance with Article 30, paragraph 2, of the Convention, that it shall not be bound by the provisions of paragraph 1 of [Article 30].</p>	<p>Signed on the 4th of February, 1985</p>	<p>Ratified on the 18th of February, 1986</p>
<p>Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998)</p> <p><u>Reservation/Declaration:</u></p> <p>Declaration (interpretative declaration concerning Articles 4, 5 and 6 of the Convention): The French Government will see to the dissemination of relevant information for the protection of the environment whilst, at the same time, ensuring the protection of industrial and commercial secrets, with reference to established legal practice applicable in France.</p>	<p>Signed on the 25th of June, 1998</p>	<p>Ratified on the 8th of July, 2002</p>
<p>Geneva Convention (III) relative to the Treatment of Prisoners of War (1949)</p>	<p>08.12.1949</p>	<p>28.06.1951</p>
<p>Geneva Convention (IV) relative to the protection of Civilian Persons in Time of War (1949)</p>	<p>8.12.1949</p>	<p>28.06.1951</p>
<p>Protocol Additional (I) to the Geneva Conventions relating to the Protection of Victims of International Armed Conflict (1977)</p>	<p>11.04.2001</p>	<p>11.04.2001</p>

Instruments	Signature	Ratification
Protocol Additional (II) to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts (1977)	24.02.1984	24.02.1984
Convention on the Law of the Non-Navigational Uses of International Watercourses (1997)		24.02.1984

Table 3. ILO conventions

Instruments	Signature	Ratification
ILO Forced Labour Convention, No. 29 (1930)	N/A	24.06.1937
ILO Recruiting of Indigenous Workers Convention, No. 50 (1936) (shelved convention)	-	-
ILO Food and Catering (Ships' Crews) Convention, No. 68 (1946) (instrument to be revised)	N/A	09.12.1948 Not in force Denunciatio n on 28.02.2014
ILO Plantations Convention, No. 110 (1958)	-	-
ILO Hygiene (Commerce and Offices) Convention, No. 120 (1964)	N/A	06.04.1972
ILO Occupational Safety and Health (Dock Work) Convention, No. 152 (1979)	N/A	30.07.1985
ILO Convention No. 161 concerning Occupational Health Services (1985)	-	-
ILO Safety and Health in Construction Convention, No. 167 (1988)	-	03.05.2016 Not in force.
ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989)		
ILO Work in Fishing Convention, No. 188 (2007)	-	28.10.2015

CHAPTER 3: DOMESTIC LEGISLATION ON WATER

A. Water Law

Is the right to water or the right to sanitation mentioned in the Constitution?

No.

Does the Constitution otherwise reference water and sanitation?

Yes. The 2004 French Charter for Environment, which is of constitutional value and is mentioned within the preamble of the French Constitution, contains provisions making the right to water claimable by all.

French Charter for Environment, art. 1

“Everyone has the right to live in a balanced environment which shows due respect for health” (Unofficial translation)

French Charter for Environment, art. 7

“Everyone has the right, under the conditions and limitations laid down by law, to access to information on the environment held by public authorities and to participate in public decisions impacting the environment.” (Unofficial translation)

Furthermore, article 210-1 of the French Environmental Code, which is also the first article of Law No.2006-1772 on water and aquatic environments dated 30 December 2006, provides that the use of water belongs to all and each natural person.

Environmental Code, art. 210-1

“The use of water belongs to all and each natural person, for its nutrition and hygiene, has the right to access drinking water under economic conditions acceptable for all.” (Unofficial translation)

Is there a water code or a law specific to water resources? Please specify.

Yes. Law No.2006-1772 dated 30 December 2006 is a law specifically relating to water resources and created the chapter of the French Environmental Code under which water resources are regulated.

Is there national strategy / policy, action plan or similar document on water?

The Council of Ministers adopted on 4 February 2015 a National Strategy for a National Transition towards Sustainable Development 2015-2020. This national strategy set out a new direction for the Government’s actions in terms of sustainable development. It ensures that all ministers’ actions are consistent. This national strategy is divided into 9 main categories, including a strategy on water resources. Each year, a report providing information on the actual implementation of this national strategy and its consequences is supposed to be presented to Parliament.

Are there any other major regulations, decrees, orders, circulars, or similar official documents related to water (such as pricing, water policing, utility easements, public domain occupation...etc.) related to the rights to water and sanitation?

Yes. The French Public Health Code (Code de la Santé Publique). Art. L.1311-1, L.1311-2, L.1331-1 to L.1331-15 of that Code contain provisions relating to waste water management and set out obligations for public bodies and citizens, ensuring the proper management of waste water.

Furthermore, art. 640 to 646 of the Civil Code (Code Civil) combined with art. L.152-14 to L.152-23 of the Rural and of Sea Fishing Code (Code Rural et de la Pêche Maritime), set out obligations and rules regarding drainage servitudes.

B. Extraction and/or use of Water

Does the legislation regulate the right to abstract water? (surface, groundwater, etc.)?

Yes. Article R. 214-1 of the French Environmental Code lists a number of activities for which a declaration or an authorization from the administrative authorities must be obtained.

Furthermore, the right to abstract water is regulated by art. L. 214-1 et seq. and art. R. 214-32 et seq. of the French Environmental Code which concern water abstracted from superficial sources as well as from groundwater.

These articles provide for regulation through an authorization and declaration system for non-domestic water abstraction devices or plants depending on the volume of water abstracted regarding the thresholds set by the above-mentioned articles and the seriousness of the impact of such abstraction on the aquatic environment. Domestic water abstraction devices must be declared to the mayor of the relevant municipality pursuant to the provisions of art. L. 2224-9 of the General Code of Local and Regional Authorities and ar. R. 214-32 et seq. of the French Environmental Code.

Does the legislation distinguish between the extraction of drinking water and water for other uses?

No. Article R. 214-1 of the French Environmental Code lists several activities and does not distinguish between extraction of drinking water and other uses.

Is the right to use water connected to land ownership?

Yes. The French Civil Code connects the right to water to land ownership in several ways. Article 552 grants the owner the right draw from his installed constructions all the products they can give in the limits of the law.

Further, according to art. 641, an owner has the right to use and dispose of the rainwater that falls on his estate. French Civil Code, art. 642 also grants a person who has a spring on his estate may always use the water as he wishes, within the limits and for the needs of his property.

Other articles include art. 643 and 644 that regulate the usage and scope of divergence of watercourses.

Are permits/licenses required for water use? (e.g. domestic, agricultural, industrial)?

Yes. Permits are e.g. required for *“[...] installations not appearing in the nomenclature of classified facilities, structures, works and activities carried out for non-domestic purposes by any person or body, public or private, and*

resulting in the drawing of surface or underground water, whether returned or not, or in a change in the level or method of flow of water or discharges, the destruction of spawning grounds, zones for the growth or feeding of pisciculture fauna, runoff, direct or indirect discharges or deposits, chronic or periodic, even if these are not pollutant (art. L214-1 of the French Environmental Code).

Can permits/licenses be suspended? Under what circumstances?

Yes. The French Environmental Code states in art. L216-1 (II, 3) that if the operator or, in the absence of an operator, the owner of the installation has not complied with provisions set out in articles L. 211-2, L. 211-3, L. 211-5, L. 211-7, L. 214-1 to L. 214-9, L. 214-11 and L. 214-12 or the regulations and individual rulings made in order to enforce these articles, the Préfet may suspend, where appropriate, the authorisation pending the implementation of the conditions imposed.

Can water abstraction licenses be transferred? Is transferability subject to restrictions?

The French Environmental Code does not contain any specific provisions regarding the transferability of authorizations. However, it appears that, pursuant to general public law principles, a license is *intuitu personae* and is not supposed to be transferred except when specific provisions exist therefore.

Are there priorities in the allocation of water for different uses?

No. There are no priorities in the allocation of water for any use. However, public authorities can limit or prohibit some types of water use in some circumstances: in the event of accidents, drought, flooding or the risk of a water shortage (articles L.211-3, L.211-8 and R.211-66 of the French Environmental Code).

CHAPTER 4. HUMAN RIGHTS CRITERIA TO WATER AND SANITATION

A. Availability

Does the law ensure that a minimum essential level of water is available to all?

No law ensures that a minimum essential amount of water has to be made available to everyone. However, the French Environmental Code sets out that the management of the water resources has to be balanced and sustainable (article L.211-1 of the French Environmental Code).

What are the standards on the amount of water to be made available/is there any guidance in the law in this respect?

No such standards exist.

Does the law ensure continuous supply of water for all?

Not if users do not pay for the service. Yet, water supply must be maintained for at least one year after bills become overdue (article L.115-3 of the French Family and Social Action Code).

Does the law prioritize water for domestic uses over other uses?

No. As mentioned in question 7 in 3.B, there are no priorities in the allocation of water for any use. However, public authorities can limit or prohibit some types of water use in some circumstances: in the event of accidents, drought, flooding or the risk of a water shortage (articles L.211-3, L.211-8 and R.211-66 of the French Environmental Code).

Is there provision in the law for availability of water and sanitation facilities in non-domestic places such as schools, hospitals, work places, prisons, refugee camps, etc?

Yes. The French labour code regulates many aspects concerning sanitation. It requires the employer to make available to his employees the means to ensure their individual cleanliness, which concerns toilets, collective changing rooms, washbasins and if necessary showers (art. R.4228-1). For instance, there must be enough toilets depending on the number of female and male workers (R4228-10) as well as sinks that

must provide drinking water and suitable cleaning, drying or wiping means (art. R4228-7).

B. Accessibility

What are the grounds for disconnecting, interrupting or altering water supply and sanitation services (e.g., authorities may alter water supply in case of droughts or emergencies, in which cases are disconnections possible...)?

Except when users do not pay for the services water supply and sanitation services cannot be disconnected, interrupted or altered. However, the public authorities can limit or prohibit certain types of water uses in specific circumstances: in the event of accidents, drought, flood or risk of a shortage (articles L.211-3, L.211-8 and R.211-66 of the French Environmental Code).

What are the procedural standards/criteria for permitting interruption, disconnection or alteration of water supply and sanitation services?

Under article R.211-66 of the French Environmental Code, limitations or suspensions of the water uses can be decided by the prefect of the department if (i) the measures are proportionated to the goal pursued, (ii) the measures are time-limited and (iii) the measures are abrogated when there is no more reason to implement them.

Concerning a drought, in order to anticipate its consequences, each department prefect issues an order at the beginning of each calendar year which defines for each aquifer and river within the department the thresholds under which water usage limitation or suspension can be applied. A framework order can be issued by the prefect coordinating the river basin on this matter. This framework order defines the thresholds (vigilance thresholds, warning thresholds, warning thresholds and crisis thresholds) and the appropriate measures to be implemented once those thresholds are reached. Under article R.211-67 of the French Environmental Code, an order issued by the prefect has to ascertain when these thresholds are reached.

Are alternative ways of water supply and sanitation services provided for in case of alteration of supply and/or service?

Yes. In the event of an alteration of supply and/or service, the water supply can be provided through the water reserves stored. (French Environmental Code, art. R.211-66)

Does the law provide guidance on: the number of water outlets?

The safety, distance and time from a dwelling or structure to reach water outlet or sanitation facilities (e.g., laws that specify water outlets must be available within a certain distance from a school or household)?

Technical safety of water outlets or sanitation facilities (e.g. law requiring that certain standards are applied in the constitution of those facilities or of buildings)?

Yes, the law provides guidance on the water outlet and sanitation facilities planning.

The French Employment Code e.g. provides guidance for working places. The employer must e.g. provide employees with means to allow them to ensure their cleanliness (art. R.4228-1) which includes: wash basins that are filled with drinking water, cleaning drying and wiping devices (art. R.4228-7), if necessary showers which must be hygienic (art. R.4228-8,-9) and sufficient, closed, heated and separated toilets for both genders with enough sanitary equipment (art. R.4228-10,-11,-12).

The French Construction and Housing Code provides guidance for working places, residential buildings, multi-dwelling buildings and facilities for disabled persons. A housing must thus include e.g. a facility for drinking water and sewerage disposal, a bathing room with a washbasin and a shower or a tub, an indoor toilet and a sink. Collective buildings also must include an enclosed and ventilated location (art. R.111-3). Some guidance is also provided by Decree No.2002-120 dated 30/01/2002 pertaining to the conditions of a decent house. Multi-dwelling buildings must also offer minimal characteristics allowing a handicapped person to use e.g. one toilet and one bathroom (art. R.111-18-2).

With regards to public institutions, there is no obligation in terms of public sanitation facilities.

However, some obligations exist concerning access for handicapped people if sanitation facilities plans were made. The article 12 of the decision dated 1 August 2006, referring to the application of articles R. 111-19 to R. 111-19-3 and R. 111-19-6 of the Construction and Housing Code, provides that: “[...] *each accessible floor, whenever sanitary facilities were built for the public, has to include at least one toilet equipped for handicapped persons using a wheelchair, and an accessible sink*”.

Further, in accordance with articles L.1111-2 to L.1111-4, L.1311-1 and L.1311-2 of the French Public Health Code, it is mandatory that each department has a health regulation established by the state representative and in accordance with articles L.1331-1 to L.1331-7 of the same Code, it is mandatory to connect all residential buildings to a sewage system, that are intended to receive domestic waste water (French Construction and Housing Code, art. L.111-5).

Furthermore, art. 67 of the Order dated 23 November 1979 on the departmental health regulations for Paris states that: “*Public institutions must contain, depending on their attendance rate, a sufficient number of washbasins, toilets and urinals. They must be easily accessible and shall never be common to the restaurant hall or the kitchens. Sanitary rooms must be lighted, ventilated and maintained in a perfect state of cleanliness. They, also, must be provided with toilet paper. Washbasins must be equipped with soap and with a drying device. Sanitary rooms’ surfaces are made of smooth, impermeable, non-toxic and washable materials.*” (Unofficial translation)

Is there provision in the law for accessibility of water and sanitation facilities in non-domestic places such as schools, hospitals, work places, prisons, refugee camps, etc.?

Yes. See question above and 5th question of 4.A. Art. R.4228-1 of the Labour Code requires the employer to make available to his employees the means to ensure their individual cleanliness, which concerns toilets, collective changing rooms, washbasins and if necessary showers. For instance, there must be enough toilets depending on the number of female and male workers (R4228-10) as well as sinks must provide

drinking water and suitable cleaning, drying or wiping means (art. R4228-7).

C. Quality and Safety

Are there parameters of quality and safety for drinking water established under law?

Yes. The public service of providing drinking water is defined by article L. 2224-7 of the General Local Authorities Code as follows:

Quality standards are set up by articles L. 1321-1 et seq. of the French Public Health Code, art. L. 1321-4. Such duties include, to control, ensure and maintain the quality of the water produced or supplied, compliance with the sanitary control and hygiene rules, to inform consumers in case of a sanitary risk and to take adequate measures to stop such a risk.

Is monitoring of drinking water quality or wastewater required by law? If so, which actor is required to monitor it and how often (according to the law)?

Yes. Art. L1321-4 (I) of the Public Health Code states that any public or private person responsible for the production or distribution of water to the public, for human consumption in any form whatsoever, whether public networks or networks as well as any private person responsible for a private distribution authorized pursuant to Article L. 1321-7 is required to monitor the quality of the water that is the subject of this production or distribution and to submit to sanitary control by the director general of the regional health agency (see art. L.1321-5).

Do laws/regulations include guidance on the safe construction of water and sanitation Infrastructure (e.g. to ensure no contact with excreta, ventilation, respect construction guidelines)?

No. The already mentioned laws and regulations provide for certain obligations to be respected in the construction of water and sanitation infrastructure, but there is no "guidance" provided as such.

Do laws/regulations include requirements or guidance on safe emptying of latrines as well as safe treatment and disposal of treated sludge?

Yes. The municipalities control the connections to the public network of collection, collection, transport and purification of wastewater, as well

as the disposal of sludge produced. (art. L2224-8 (II) of the General Local Authorities Code).

They may also, at the request of the owners, ensure the work of bringing into conformity the works needed to bring wastewater to the public part of the connection referred to in Article L. 1331-4 of the Public Health Code, from the bottom of the columns descending buildings to the public part connection, and the removal or closure of pits and other similar facilities when connecting the building.

The municipality controls the quality of execution thereof and can also control their maintenance in good working order (art. L1331-4 of the Public Health Code).

The scope of the services relating to municipal sanitation services and the timeframe within which these services must be effectively provided are set by Conseil d'Etat decree, according to the characteristics of the municipalities and in particular the size of the total agglomerated populations.

Article R4228-15 of the Labour Code also stipulates that effluents from the toilets are evacuated in accordance with sanitary regulations. Toilets must also be cleaned and disinfected at least once a day by the employer (art. R4228-13, Labour Code).

Do laws/regulations establish requirements on household water treatment and storage (e.g. quality requirement with respect to water containers, rainwater harvesting limitations, etc.)?

Yes. Art. L2224-9 of the General Local Authorities Code states that "[...] any device for the domestic use of rainwater inside a building supplied by a network, public or private, of water intended for human consumption must first be the subject of a declaration to the mayor of the municipality concerned. The information relating to this declaration is kept at the disposal of the State representative in the department and passed on to the agents of the public water and wastewater services. The possibility of using rainwater for the feeding of toilets, washing floors and washing clothes in residential or similar buildings is extended to establishments open to the public.

This use is the subject of a prior declaration to the mayor of the municipality concerned.”

Further, art. L1331-1 of the Public Health Code allows municipalities to set technical requirements for the construction of the connections of the buildings to the rainwater connection network.

D. Water Pollution Control

Are there legislative provisions concerning waste disposal activities?

Yes. The French Environmental Code stipulates several provisions regarding waste disposal activities such as general provisions (art. L.541-1 – L.541-8), waste disposal plans (art. L.541-11 – L.541-39), Underground Storage of Waste (art. L.541-16 – L.541-20), Collection of household and similar waste (art. L.541-21), Facilities for waste disposal (art. L.541-22 – L.541-30-1), Waste retrieval (art. L.541-31 – L.541-39) or provisions relating to the cross-border movement of waste (art. L.541-40 – L.541-42).

Which authorities are responsible for monitoring to determine if waste has caused pollution of bodies of water?

The National Water Agency is responsible for monitoring if waste has caused water pollution. French Environmental Code, art. L.213-1 states that: *“The role of the National Water Agency is:*

1° To give an opinion on the geographical areas surrounding the basins and groups of basins;

2° To give an opinion on all national and major regional projects concerning the development and distribution of water;

3° To give an opinion on any problem common to two or more water basin committees or water administration authorities;

4° In general, to collect the necessary documentation and to formulate opinions on matters covered by chapters I to VII of the present Code.” (Official translation)

For each river basin or group of river basins, there is a water agency (*agence de l'eau*) in charge of water policy implementation. This agency is a special purpose government

administration. There are six water agencies in France (French Environmental Code, art. L.213-8-1, L.212-2).

In accordance with the principle of prevention and the principle of compensation for damage to the environment, the Water Agency establishes and collects fines from the public or private entities in reparation for water pollution, for waste collection network modernization, for diffuse pollutions, for water using abstraction, for storage during low-water periods, for obstruction of water flows and for protection of the aquatic environment (French Environmental Code, art. L. 213-10).

These charges are specified under articles L. 213-10-1, L. 213-10-5, and L. 213-10-8 to L. 213-10-12 of the French Environmental Code.

In addition, the Minister for Ecology, Sustainable Development and Energy is assisted by the National Water Agency (*Comité national de l'eau*), which issues opinions about planning and water resource allocation projects with a national or regional impact.

Is there legislation which regulates the contamination of groundwater?

The main goal of the following laws and regulations is protecting the quality of water resources:

- The European framework directive on water dated 23 October 2000 No.2000/60 sets objectives at the European level aiming at the protection of water resources' quality, as amended by the European directive dated 12 December 2006;

- The 2004 French Charter for Environment;

- Law No.2006-1772 dated 30 December 2006 and its amendments and application decrees and orders; and

- Law No.2004-806 dated 9 August 2004 and its application decrees and orders.

Is permission required to discharge effluents? What are the criteria used for considering applications and granting permits?

Yes. The French Environmental Code provides that discharging effluents activities require

administrative authorizations (articles L. 214-1 to L. 214-11 and R. 214-1 to R. 214-56 of the French Environmental Code).

Can waste discharge permits be lost/suspended/modified during their lifespan? Under what circumstances? Is compensation payable?

Yes. The regime of authorizations and declarations is the same for all activities submitted to such requirements. See 5th question of 3.B.

Are instances of pollution of water sources subject to penalties / fines? Which institution is in charge of the administration of the penalties?

Several fines are payable for the disposal of water into streams, lakes, underground aquifers and other waters according to provisions set out under the French Environmental Code. These charges are defined in the French Environmental Code for (i) water pollution, (ii) waste collection network modernization, (iii) diffused pollutions, (iv) for water using abstraction, (v) for storage during low-water periods, (vi) for obstruction of water flows and (vii) for protection of the aquatic environment (French Environmental Code, art. L. 213-10).

These charges are specified under articles L. 213-10-1, L. 213-10-5, and L. 213-10-8 to L. 213-10-12 of the French Environmental Code.

E. Affordability

How does the law address affordability of water supply and sanitation services? What mechanisms are established by law to ensure affordability of water and sanitation services?

The French Environmental Code sets out under article L.210-1 that everyone shall have access to drinking water within acceptable economic conditions.

French Environmental Code, art. L.210-1

“Water is part of the common heritage of the nation. Its protection, enhancement and development as a usable resource, with due respect to natural equilibriums, are of general interest. Within the framework of laws and regulations as well as that of previously established rights, the use of water belongs to all

and to each natural person, for nutrition and for hygiene and is entitled to access to drinking water in economic conditions which are acceptable to all. The costs relating to the use of water, including the costs to the environment and the resources themselves, are borne by the users, taking into account the social, environmental and economic consequences and geographical and climatic conditions.” (Official translation)

How are tariffs established under law and what is the process for updating these tariffs?

The water tariffs are based on the effective volume of water consumed by users. Moreover, the tariffs can include an amount based on the fixed charges of the services and the connection used for water supply (article L.2224-12-4 of the General Local Authorities Code).

As an exception, the applicable tariffs can avoid taking into account the volume of water effectively consumed by the users when the water resources are abundant (article L.2224-12-4 of the General Local Authorities Code and art. R.2224-20 of the French Code of Local and Regional Authorities).

Besides, pursuant to article L.115-3 of the French Family and Social Action Code, in some communes (listed under Decree n°2015-962 dated 31 July 2015) social tariffs can be applied. Owners, co-owners or tenants facing financial difficulties can obtain financial support to pay part of their unpaid water bills.

Does the tariff vary depending on the regions/circumstances?

Yes, the tariff varies depending on the regions and the circumstances. Even if the tariffs calculation principles are provided under article L.2224-12-2 of the General Local Authorities Code, the municipal councils and the local authorities grouping assemblies are in charge of fixing the water tariffs applicable within their territory (municipalities or grouping of municipalities). As a consequence, the water tariffs are different from a municipality or group of municipalities to another.

Moreover, in areas where the water consumption and resources are regularly threatened, the municipal council or the

assembly of local authorities can decide to apply different water tariffs (article L.2224-12-4 of the General Local Authorities Code).

Finally, as seen under question I-3, in some municipalities, social tariffs can be applicable to families facing financial difficulties. This support is granted only in the municipalities listed under Decree n°2015-962 dated 31 July 2015.

Which actor is responsible for and involved in setting and/or approving tariffs for water supply and sanitation services?

Under article L.2224-12-4 of the General Local Authorities Code, the municipal councils and the local authorities grouping assemblies are in charge of fixing the water tariffs applicable within their territory (municipalities or grouping of municipalities).

French Code of Local and Regional Authorities, art. L.2224-12-2

“[...] The rules pertaining to the drinking water and sanitation services fees [...] are established by a deliberation of the municipal council or the assembly of the local authorities grouping” (Unofficial translation)

Does the law allow disconnection from water supply and sanitation services for non-payment? What procedures must be followed in such cases prior to disconnecting the supply and service?

In the event of non-payment, it is possible to be disconnected from the water supply (but only under the conditions set out in article L.115-3 of the French Family and Social Action Code and its implementing decree No.2008-780 dated 13 August 2008).

When the water services user has not paid within the 15-day period after reception of the bill, the water supplier sends a prior notice stating that

the bill has to be paid within a 15-day period; otherwise, except when an agreement is found between the water supplier and the water services user, the water supply can be reduced or discontinued. Moreover, the water supplier has to inform that the water services user can resort to the social services to get some support. Under article L.115-3 of the French Family and Social Action Code, the water supply cannot be altered as long as the social services did not decide upon the situation of the water user and its request for support.

F. Acceptability

Is there provision in the law or contracts with service providers that relate to the need to take into account cultural and social dimensions of acceptability (e.g. colour or odour of water, or the positioning of a facility)?

Yes. For instance, lavatories and urinals must be installed in the vicinity of rooms for lodging under the conditions determined by articles R.4228-11 et seq (art. R.4228-34 of the Labour Code). They also must be arranged e.g. in such a way that there is no odour (art. R.4228-11).

Further, the Ordinance on drinking water (Ordonnance du DFI sur l’eau potable, l’eau de source et l’eau minérale) states in art.3 (2)(c) that the taste, smell and appearance of drinking water must be irreproachable.

Is there provision in the law or contracts with service providers that relate to the need to ensure dignity and privacy (e.g.in work places, but also in the design of shared sanitation facilities for certain communities)?

Yes. For instance, art. R.4228-10 states that I establishments employing mixed staff, the toilets must be separated for female and male staff as well as that women’s toilets must have containers for periodic trimmings.

CHAPTER 5. HUMAN RIGHTS PRINCIPLES TO WATER AND SANITATION

A. Non-Discrimination, Equality and Universal Access

Is there any legislation about the prohibition of direct and indirect discrimination (on all grounds) and promotion of equality in accessing water and sanitation services?

Yes. Following laws prohibit direct or indirect discrimination:

- Law No.2001-1066 dated 16 November 2001 against discriminations;

- Law No.2008-496 dated 27 May 2008 for adapting to European law in the field of discrimination;

- Law No.2005-102 dated 11 February 2005 for equal rights and opportunities, participation and citizenship of disabled people;

- Law No.2012-347 dated 12 March 2012 on access to employment and improvement of the conditions of service of contract staff in the civil service, the fight against discrimination and various provisions relating to the Public Service;

- Law No.2014-873 dated 4 August 2014 for real equality between women and men;

- Law dated 24 June 2016 against discrimination of social precariousness; and

- Civil Code, art. 16-13: The principle of non-discrimination on grounds of genetic characteristics.

Are there any specific provisions that address that seek to ensure (physical) access to water and sanitation services for persons with disability, children or the elderly?

There are specific provisions to ensure access to water and sanitation services for persons with disabilities (article R.111-18-2 of the French Construction and Housing Code). As regards public access buildings, when there are sanitation facilities, access must be provided to disabled persons (Order dated 01 August 2006 implementing articles R.111-19 to R.111-19-3

and R.111-19-6 of the French Construction and Housing Code).

Moreover, there are specific legal provisions as regards to water supply for travelling people (Law No.2000-614 dated 05/07/2000 and its implementing decree No.2007-690 dated 03/05/2007). Stopping places for travelling people in the municipalities have to be provided with at least one water inlet or outlet.

B. Right to Information

Is there any specific legislation about the right to seek, receive and impart information held by public authorities?

Yes. In France, articles L.124-1 to L.124-8 and articles R.124-1 to R.124-5 of the French Environmental Code refer to the framework Book III of the Code of Relations between the Public and the Administration (Code des relations entre le public et l'administration) (in particular article L.311-1 et seq.) which sets out the legal framework in terms of access for the public to administrative documents containing information. Please see below as an example article L.311-1 of such Code.

Does the law expressly set out the right to seek, receive and impart information on water related issues?

Yes, please see articles L.124-1 and L.124-1 2 as mentioned. Further, other legislations set out the means to seek, receive and impart information on water. More specifically, article L.131-9 of the French Environmental Code in its latest version pursuant to Law No.2016-1842 and Decree No.2016-1842 assigns the function of information the public on matters regarding biodiversity issues, including water issues, to the new French Agency for Biodiversity (Agence Française pour la biodiversité). This agency has absorbed the national office for water and aquatic environments and, therefore, one of its missions is to inform the public on water related issues.

Does the right to information require the payment of a fee? Is there a provision on the affordability of such fee?

No. The right to information does not require the payment of any fee since all the data is available through a public official website, www.eaufrance.fr.

Are there any exceptions regarding who or what type of water and environment related information held by public authorities can be accessed?

Article L.311-2 of the Code of Relations between the Public and the Administration sets out a limit about the administrative documents that can be communicated to the public namely that only such documents can be communicated that are in their final version. Further, article L.311-5 et seq. of the aforementioned Code sets out a list of exceptions of documents that cannot be communicated for reasons of national security and defense. Finally, article L.124-4 of the French Environmental Code sets out the circumstances under which the public authority representative can refuse to release the information relative to environment, including information regarding water. This is the case if the request regards documents in the process of being finalised, relates to information that it does not hold; is formulated in a too general manner.

Which institutions are required by law to make information on water public?

Pursuant to article L.124-3 of the French Environmental Code, the regional and local authorities, the entities they own and their public establishments, as well as the persons in charge of a public service relating to the environment, provided that such information concerns the execution of such public service.

Does the law reference only the right to access information or also the obligation to make public such information on water related issues (e.g., are institutions obligated to provide information only upon demand, or are they obligated to publish or make available information at certain periodic intervals, on the occurrence of certain circumstances, etc.)?

Article R.124-5 of the French Environmental Code sets out a list of information that

authorities should make public/accessible in regard to the environment. As mentioned before, the information in regard to the environment includes information relating to water pursuant to article L.124-2 1° of the French Environmental Code. The list of article R.124-5 includes treaties, plans and documents defining public policy, reports established by public authorities in regard to public policies, data or summary of data that have a significant impact on environment, authorizations that have a significant impact on environment as well as environmental agreements, the environmental assessment studies and risk assessment evaluations concerning waste materials. For the aforementioned authorizations and assessment studies, the communication of the information can consist in the indication of places where individuals can get this information. In most cases, the publication of such information is made through a publication on the Official Journal (Journal Officiel de la République Française), pursuant to article R.124-5-II of the French Environmental Code.

What are the requirements listed in the law in relation to the language, locations, format, timing and means used for providing water related information to the public? How does the law ensure that information is made available to all including to minorities?

Article 2 of the Constitution provides that French is the official language. Therefore the Official Journal is published in French. All information in relation to environment must be published in French and in the Official Journal. The Official journal is available online. For the means used to provide information, please refer to the answer to question K-7 above. The aforementioned means ensure that information is made available to all including to minorities.

Are there any legal provisions requiring certain authorities to educate the population on water related issues?

Yes, legal provisions requiring authorities to educate the population on water and related issues do exist. Illustrative examples would be article L.131-9 of the French Environmental Code, in its latest version pursuant to Law No.2016-1842, and Decree No.2016-1842, both assigning the information of the public on matters regarding biodiversity issues, including

water issues, to the new French Agency for Biodiversity (Agence Française pour la biodiversité). Such agency has absorbed the national office for water and aquatic environments and its mission to inform the public on water related issues.

French Environmental Code, art. L.131-9

“Within the limits of its powers, the Agency for Biodiversity ensures the following missions: [...] 4° [...] c) Communication, information and sensibilization of the public.”

Are the legal requirements concerning informing the population about regulations, restrictions, prohibitions and discontinuations in water services?

Yes. Article L.211-3 II and articles R.211-66 to R.211-70 of the French Environmental Code, and ministerial circular dated 18 May 2011 of the French Minister for Ecology, Sustainable Development and Energy provides for the condition under which the population obtains information about regulations, prohibitions and discontinuations in water services, especially in regard to information concerning restrictions in water services. The prefects must share the data they have in their possession on a ministerial website called propluvia, especially those related to ministerial orders on the restriction of water.

Does the law require that information be made available about the existence of complaint mechanisms for water supply and sanitation services to users of such services?

Yes. Article 5 of the French Ministerial Order dated 10 July 1996 states that the water bill must contain the name and the phone of the service provider to contact in case of complaint. The French Ministerial Order dated 10 July 1996 as completed by French Ministerial Order dated 28 April 2016 provides for the mandatory provisions of the water bill.

Articles L.112-1 and L.112-2 of the French Consumer Code provide that sellers must inform the consumers about the general and particular conditions of the execution of the service. Apart from these provisions, there are no requirements in relation to access to information in contracts with water and sanitation operators.

Are there any requirements in relation to access to information in contracts with water and sanitation operators?

See answer to question above.

C. Public participation

Is there a law which addresses public participation?

Yes, there is a specific legislation about public participation in government. Under article 7 of the 2004 French Charter for Environment, it is a constitutional principle that there must be public participation in the development of government decisions when the decision to be taken is likely to affect the environment. The main public participation mechanisms have been implemented through law No.2010-788 dated 12 July 2010 and completed by law No.2012-1460 dated 27 December 2012 (articles L.120-1 et seq. of the French Environmental Code). Moreover, the public participation process has been updated with Ordinance No.2016-1060 dated 03 August 2016.

Except in a case of urgency or when a specific process is set out under specific laws, all implementing decisions taken by public authorities (State, local and regional authorities, independent public service authorities) likely to affect the environment are submitted for public observations. Electronic submissions must be made available and a reasonable period has to be provided for submitting the written observations.

What are the criteria listed in the law in relation to participation in water-related issues (e.g. allocated time to provide comments, invitation to public hearings, etc.)?

For instance, in French law, prior consultation is provided by article L.121-16 of the French Environmental Code and a criterion in relation to participation in water-related issues.

French Environmental Code, art. L.121-16

“Prior consultation involves the public in the preparation of a project; plan or program under the conditions defined in this section. Prior consultation lasts a minimum duration of 15 days and a maximum duration of three months. Fifteen days before the concertation begins, the public is informed of the modalities and duration

of the concertation by dematerialized means and by posting on the site or sites concerned by the concerted action. The results of this consultation are published. The owner (maître d'ouvrage) shall indicate the necessary measures to be implemented to take into account the results of the consultation.

Expenditure relating to the physical organization of a prior consultation shall be borne by the contracting authority or the public body responsible for the project, plan or program.” (Unofficial translation)

Do the contracts between governmental authorities and operators of water and sanitation services impose upon the operators an obligation to ensure or provide for public participation at any levels at which the applicable services are delivered?

No, the contracts entered into by the governmental authorities to ensure water and sanitation services do not impose upon the operators an obligation to ensure or provide for public participation in any or all of the levels at which the applicable services are delivered.

Is the establishment of regional or local associations or other groupings of water users provided for and regulated by laws or regulations? How do they interact with or connect into other agencies or regulators?

Yes, as with any other type of association, the establishment of national, regional or local associations or other groups of water users is regulated by art. 1 of the French law dated 1 July 1901. Under this law, associations are spontaneously and freely created. However, to obtain legal capacity, a prior declaration of the existence of the association to public authorities must be made (during such prior declaration, the articles of association has to be circulated to the public authorities and information about the goal pursued, the members and the location of the association have to be provided) (art. 5 of law dated 1 July 1901).

Associations protecting the environment (including water resource protection agencies) and operating for more than three years can obtain a specific approval and become “approved environmental protection associations” (French Environmental Code, art.

L.141-1). These associations are entitled to bring legal challenges before the courts when threats to the environment occur (e.g. an administrative decision which has an impact on the ecological equilibrium). Such associations are officially allowed to intervene in public debates pertaining to environmental protection (French Environmental Code, art. L.142-1, L.142-2).

In addition, associations which protect consumers (including water users), operate for more than one year and have sufficient subscribers can obtain a specific approval and become approved consumer defense associations. When an association has more than 10,000 subscribers, it can be approved as a national consumer’s defense association (cf. art. R.811-1 et seq. of the French Consumer Code). Once a local or national consumer defense association is duly approved, it is entitled to bring legal challenges before the courts to ensure consumer protection (i.e. it can bring class actions) (art. L.621-1 et seq. of the French Consumer Code).

Some representatives of the associations that protect the environment and defend consumer interests are members of the National Water Agency, water agencies, basins committees, water offices of overseas territories and local water committees (See: French Environmental Code, art. D.213-1, D.213-3, R.213-33, L.213-13-II, R.212-30).

D. Sustainability

How does legislation ensure that water and sanitation services are delivered in a sustainable manner, considering the availability of water resources, competing demands and generally the needs of present and future generations?

The Charter of the Environment mentioned in the Constitution and the Environmental Code opt to ensure sustainable development, to meet the needs of the present generation and to ensure that future generations will be able to meet their own needs (art. L110-1 of the Environmental Code). Art. 6 of the Charter of the Environment thus states that “*Public policies shall promote sustainable development. To this end they shall reconcile the protection and enhancement of the environment with economic development and social progress*”.

Considering this, water and sanitation services must comply with the principles laid out in art. L110-1 (II), Environmental Code, such as:

- The precautionary principle, according to which the absence of certainty, based on current scientific and technical knowledge, must not delay the adoption of effective and proportionate measures aiming to prevent a risk of serious and irreversible damage to the environment at an economically acceptable cost;
- The principle of preventive and corrective action, as a priority at source, of damage to the environment, using the best techniques available at an economically acceptable cost;
- The polluter pays principle, according to which the costs arising from measures to prevent, reduce or combat pollution must be borne by the polluter; or
- The principle of participation, according to which everybody has access to

information relating to the environment, including information relating to hazardous substances and activities, and whereby the public is involved in the process regarding the development of projects that have a major impact on the environment or on town and country planning.

How does the legislation ensure that delivery of water and sanitation services are economically sustainable, with sufficient expenditure for operation and maintenance?

Municipal councils and local authorities grouping assemblies oversee fixing water tariffs applicable in their territory and ensure that services involving water are economically sustainable by varying tariffs depending on the regions and circumstances (art. L.2224-12-2, General Local Authorities Code). See Chapter 4, E. Affordability.

CHAPTER 6. ACCOUNTABILITY

A. Preliminary questions

What is the relationship between international law and national law (i.e. is the state a monist or dualist system--how is international law interpreted in relation with domestic law)?

International law supersedes national law. This idea is entrenched in article 55 of the 1958 French Constitution, which reads:

"Treaties or agreements duly ratified or approved shall, upon publication, prevail over Acts of Parliament, subject, with respect to each agreement or treaty, to its application by the other party".

Thus, France has a monist system, whereby treaties become part of the national legal system as soon as they are ratified.

What is the hierarchical structure of the legal system?

The highest norm in the legal system is the fifth French Constitution, which was promulgated on October 4, 1958. The Constitution can be amended either by the French Congress (joint session of both Chambers of Parliament, i.e., the Senate and the General Assembly) or by referendum.

In a landmark decision in 1971, the Constitutional Council held that the Preamble of the 1946 Constitution and the Declaration of the Man and of the Citizen of 1789 also formed part of the so called "constitutional block". It was later established that this further applied to the Fundamental Principles of the Republic expressed by the Constitutional Council and the Environment Charter of 2004.

By reference to Article 55 of the Constitution, the Constitutional Council also established that International and European Treaties are the highest norms, meaning that the Constitution must be reviewed and amended, when contrary to any such international law, prior to its ratification.

In terms of the internal legal system, France has a dual system in place: public law, which defines the principles of operation of the state and public bodies; and private law, which applies to private individuals and private entities. French laws also obey a hierarchical order, as follows, in order of importance from greatest to least:

- loi organique (institutional acts akin to the Constitution)
- loi ordinaire (ordinary acts that have been voted on by Parliament regarding matters specifically left within the purview of Parliament by the Constitution)
- ordonnance (measures taken by the government in matters that would be normal and relevant to keep the country operating)

There are also regulations, which are issued by the executive power and can be further broken down into décrets (for the Prime Minister and President) and arrêtés (for the executive branch members who are not the President or Prime Minister).

Has the State ratified the relevant international conventions establishing regional or international complaint mechanisms?

France is in particular part of (i) the Council of Europe and (ii) the European Union (EU), both of which provides complaint mechanisms.

The Council of Europe was founded in 1949 and is located in Strasbourg, France. It is a regional body, comprises of 47 member states, which aims to develop common democratic principles, based on the European Convention for the Protection of Human Rights and Fundamental Freedoms and other human rights standards. The European Court of Human Rights oversees the implementation of the Convention in all member states.

The European Union instead comprises of 28 member states. The Court of Justice of the European Union (CJEU) interprets EU law to make sure it is applied in the same way in all EU

countries, and settles legal disputes between national governments and EU institutions.

It can also, in certain circumstances, be used by individuals, companies or organisations to take action against an EU institution, if they feel it has somehow infringed their rights. The CJEU gives rulings on cases brought before it. The most common types of case are: interpreting the law (preliminary rulings); enforcing the law (infringement proceedings); annulling EU legal acts (actions for annulment); ensuring the EU takes action (actions for failure to act); and sanctioning EU institutions (actions for damages).

B. Remedies and complaint procedures/accountability

Are there remedies provided by law to file complaints or other ways of accessing justice in reference to water and sanitation? Who may file them? Are the decisions appealable?

Both the Environmental Code and sections of the Civil Code applicable to environmental harm provide for effective remedies. For example:

- Article L.173-5 of the Environmental Code enables a judge to order the stoppage or suspension of a given activity for a period not exceeding one year as well as the rehabilitation of the premises/items/environments that have been harmed by said activity, potentially with a daily penalty for failure to do so.

- Article 1252 for the Civil Code provides that regardless of compensation for ecological harm, a judge may order reasonable measures to prevent or end the damage (upon a party's request in respect of the same).

Further, Financial remedies with respect to environmental breaches are especially provided for in several provisions of the French Civil Code. For instance, Article 1386-22 provides that if compensation of ecological harm in nature is not possible, a judge may order damages to be paid by the person responsible for the offence of by the State.

Are such complaint procedures required to be provided in conformity with human rights principles (such as non-discrimination, equity)?

In France, human rights principles generally apply to all complaint procedures, whether judicial or alternative dispute resolution procedures. This results in particular from European regulations, such as the European Convention for the Protection of Human Rights and Fundamental Liberties.

Does the law provide for financial assistance for legal counsel in cases concerning water and sanitation?

France has a well-established legal aid system, whereby legal assistance is provided free of charge:

- Applications are to be submitted to legal aid committees (le bureau d'aide juridictionnelle) within the French courts, which will determine eligibility for legal aid. The committees include a magistrate, a member of the general public, a member of the local bar and additional representatives.

- Once an eligible person is approved for legal aid, the president of the local bar association appoints an attorney. One may also request a specific lawyer, and the bar association will attempt to procure the lawyer if he or she is available. Bar associations take into consideration the background of lawyers when determining how to place a lawyer. For instance, only lawyers with experience in criminal law will be appointed as defense counsel for an accused individual. Similarly, lawyers experienced with working with minors will be appointed to juvenile cases.

- Legal aid includes two types of services:

- Aide juridictionnelle (i.e. assistance for legal disputes), which covers court proceedings as well as out of court settlements, for civil, criminal, and administrative matters.
- Accès au droit (i.e., access to the law), which provides for legal consultations and assistance.

- Lawyers are remunerated for "aide juridictionnelle" work but not for "accès au droit" work.

- France finances legal aid by way of the Ministry of Justice. In 2012, the total expenditure on legal aid was €351 million, or 0.02% of GDP. Only one

third of that budget is allocated to criminal legal aid. Private bar associations may also choose to contribute additional funds to supplement state subsidies for legal aid. Non-governmental organizations and non-profits that provide legal services to indigent individuals also receive grants from the government to carry out their work.

Who monitors the administrative level bodies and/or service providers?

The administrative level bodies are monitored by the State and the executive power.

Is there a possibility to appeal against the decisions of service providers? With whom would such an appeal be lodged, and under which conditions is such an appeal possible?

The procedure before the médiateur de l'eau is an alternative dispute resolution procedure. As such, it does not have any constraining authority nor can it be subject to an appeal.

Following a procedure before the médiateur de l'eau, consumers can however bring their claims against water and sanitation services before the civil courts, which boils down in practice to overruling the decision by the médiateur de l'eau.

What remedies are available at an administrative level?

No remedies appear to be available at an administrative level that address specifically the water and sanitation issues. There are handful judicial remedies, including before administrative courts in specific cases. Other administrative bodies indirectly have a power of decision regarding the water and sanitation services in case of drought or flooding for example.

Who monitors these administrative level bodies?

The administrative level bodies are monitored by the State and the executive power.

Are such administrative bodies legally independent entities according to the law?

Administrative bodies are generally not legally independent entities.

Is there any evidence (e.g., case law) that courts in the country have (or may have) jurisdiction to

enforce any economic, social or cultural rights?

The domestic justiciability and legal certainty of economic, social or cultural rights was highlighted by a famous case of the Cour de Cassation, dated 16 December 2008, called *Einchenlaub v. Axia France*. In this case, the Court recognized the direct applicability of the Pacte international sur les droits économiques, sociaux et culturels (PIDESC) (i.e. International Covenant on Economic, Social and Cultural Rights).

The Court took this decision despite the fact that French doctrine, in its majority, considered that these norms were not directly applicable in domestic law, because they never created rights or obligations for the Member States.

In holding that the PIDESC provisions were directly applicable, the Court opened the door to individuals being able to bring such claims before a judge, thereby overruling the presumption of injusticiability of economic, social and cultural rights.

Do courts in the country have jurisdiction to hear cases regarding the obligations to respect, protect and fulfil the human rights to water and sanitation? Is there any existing case law?

On Tuesday 14th June 2016, the National Assembly of France has adopted Bill No.2715 on the effective implementation of the Right to Water and Sanitation. France is the first country in Europe to adopt this bill which will ensure that everyone in France is provided by safe water and sanitation, particularly for the most disadvantaged, those who have no access to water and those for whom water is too expensive. It is thought this law will have an impact on one million households.

This is a great success for all the civil society organizations that initiated the bill, including la Coalition Eau. However, these organizations will continue to lobby the Senate to ensure the law is fully adopted.

As formerly established, each litigant has the right to go before court in order to defend its economic, social and cultural rights. As this right is now of public order, the Cour de Cassation has jurisdiction to hear cases regarding the defense of this kind of obligations.

An existing case law is the case of Syndicat Intercommunal des Eaux du Trégor dated 30 May 2006 (confirming a previous case of the Court of Appeal, dated 9 May 2003), a case that sanctions the delivery of non-potable water and allowing users to be granted to a complete compensation and remedies from the collectivity.

Is there a Constitutional /Supreme Court? Cases are heard as the last appeal or may cases be referred directly?

The French Court de Cassation can be considered as the equivalent of a Supreme Court as last instance. However, its role is only to ensure the correct application of the French law. In this sense, it is truly a reviewing or regulating court, rather than a Supreme Court which will be considering the facts of the case.

Have domestic courts applied international human rights law in past cases or have they referred to decisions from international human rights bodies?

The Charter of Fundamental Rights of the European Union has been applied in many cases by French Courts, be it in particular before administrative courts or the Conseil d'Etat, (the Supreme court of the administrative order), we can see through multiple court decisions that the conditions of application of this Charter have been discussed and applied by the domestic courts.

In 2010, four decisions of the Conseil d'Etat mentioned the Charter of Fundamental Rights of the European Union: we counted 11 of them in 2011, 10 in 2012, 18 in 2013 and 16 in 2014. Between January 2013 and November 2014, all administrative jurisdictions (administrative tribunals, administrative court of appeal and the Council of State) gave 1264 decisions mentioning and referring to this text. This adoption by the litigants constitutes a major change because it deals with leading cases, involving significant humanitarian subjects and questions. As a matter of fact, French judges developed a consequent a coherent jurisprudence, guided by the interpretation of this text by the European Court of Justice (ECJ), which they know and usually mention in their own decisions. An illustration of such an influence is the Åkerberg Fransson case of 26 February 2013. The Court

retained a conceptual and very functional interpretation of Article 51 of the Charter; and this Article is addressed to "all institutions, bodies and organisms of the European Union", but also to the State Members, and to national and local authorities, when they deal with or implement the European Union law.

Are court proceedings conducted in only one principal language, or are they also conducted in local languages, including minority and indigenous languages? Does the law require that information is made available in local languages?

Court proceedings are conducted in the national language which is French. They are therefore not conducted in local languages, including minority and indigenous languages. However, whenever it is necessary, the law and regulations of France require that courts make the defendants in particular able to exercise their rights to defend themselves. This implies the right to an interpreter and to have translation of documents or access to a French qualified lawyer, i.e. legal assistance.

Have domestic courts applied (or referenced) recommendations of national human rights institutions?

To our knowledge, domestic courts did not apply or reference recommendations of national human rights institutions. However, the Defender of Rights oversees the protection of the rights and freedoms, promotes equality and ensures greater access to rights. Any natural or legal person may refer a case to it directly and free of charge.

C. National Human Rights Institutions

Is there an independent national human rights institution?

Yes. The Défenseur des Droits (or Defender of Rights) oversees the protection of the rights and freedoms, promotes equality and ensures greater access to rights. Any natural or legal person may refer a case to it directly and free of charge.

This independent administrative authority was enshrined in the Constitution on 23rd July 2008 and established by the Organic and Ordinary Laws of 29th March 2011.

The Defender of Rights is a single authority in charge of defending your rights. Starting in 2011, the areas of competence of the “Médiateur de la République” (French Mediator), the “Défenseur des enfants” (Children’s Ombudsman) and the “Haute Autorité de lutte contre les discriminations et pour l’égalité” (HALDE, equality and anti-discrimination authority), and the “Commission nationale de déontologie de la sécurité” (CNDS, national commission on security ethics) have been joined together in the interest of facilitating and simplifying access by citizens.

Does the mandate of the National Human Rights Institution cover the entire human rights framework, including economic, social and cultural rights?

Yes, please refer to our answer to question above.

Is the national human rights institution authorized to receive and adjudicate complaints of violations of human right to water and sanitation right?

There is no specific provision with respect to violations of human right to water and sanitation right but nothing prevents the Defender of rights to intervene in these areas.

In practice, the Defender of Rights has considerable power at his disposal:

Power of investigation, which allow him to

- request to receive all information or useful documents under pain of criminal prosecution;
- interview persons when necessary;
- conduct on-site verifications; and
- appeal to the Council of State in cases of questions about the interpretation of legal texts.
- Power of intervention, which enables him to
- Work to resolve a conflict by mutual agreement by making recommendations or through mediation
- Impose a binding solution in cases of misconduct or of proven wrongdoing.
- Intervene in support of a civil or criminal transaction

- Request disciplinary action against an officer
- Request observations before a court in support of a claimant
- Recommend sanctions by the administration against a physical person or legal entity at the origin of discrimination
- Other powers, including that he can propose reforms in order to advance your rights in society and also act, by way of awareness-raising initiatives, to encourage best practices in favour of rights, freedoms and equality

Does the national human rights institution have a legal basis or authority to initiate an action to address systemic human rights violations?

Yes. See answer to above question.

What type of remedies does the national human rights institution have the authority to impose?

Yes. See answer to above question.

Is the institution allowed to initiate investigations/hearings?

Yes. See answer to above question.

Does the national human rights institution have the authority to monitor how remedies for violations of rights to water and sanitation are implemented by governmental authorities, service providers or other agencies/entities?

The Defender of Rights conducts substantive initiatives to promote rights and encourage equality for all. In particular:

- conducting awareness-raising and informational campaigns,
- establishing partnerships with actors in the areas of employment, housing, education, health and disabilities, and access to goods and services (public and private sectors),
- identifying best practices and encourages their adoption by all stakeholders,
- conducting training campaigns, and
- coordinating studies and research activities.

No specific information could be found on remedies for violations of rights to water and sanitation.

D. Regulation

Is there a water regulator established by law?

Municipalities and groups of local authorities, after consulting the local public services advisory commission, establish, for each water or sanitation service for which they are responsible, a service regulation. It defines, according to local conditions, the services provided by the service and the respective obligations of the operator, subscribers, users and owners (art. L.2224-12 of the General Local Authorities Code).

Is the water regulator an independent entity?

No. The responsibility for the monitoring of water resources remains with the State and its subdivisions (local and regional authorities).

What are the oversight mechanisms and responsibilities related to drinking water supply and sanitation services of the regulator?

The operators must adhere to the service regulations provided by the Municipalities and groups of local authorities and inform each subscriber about it and make it available to each user. Further, the operator reports to the mayor or the president of the group of local authorities on the modalities and the effectiveness of the distribution of the service regulations (art. L.2224-12 of the General Local Authorities Code).

Which actors are responsible for ensuring accountability of institutions or entities involved in water supply and sanitation services?

The administrative level bodies are monitored by the State and the executive power.

ACRONYMS

HRBA	Human Rights-Based Approach
HRWS	Human Rights to Water and Sanitation
IWRM	Integrated Water Resources Management
NGO	Non-Governmental Organisation
NHRI	National Human Rights Institution
SDG	Sustainable Development Goal
WASH	Water, Sanitation and Hygiene
N/A	Not Applicable