



Extrait du OIEau

<http://ma-riviere.org/iowater/water-organization/in-france/main-regulation-texts/a/france-the-30th-december-2006-law>

# FRANCE : The 30th December 2006 - Law on Water and Aquatic Environments

- IOWater - Water organization - In France - Main french regulation texts -

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The law on water and aquatic environments reforms several laws (environment, regional authorities, health, construction and housing, rural, public property etc.)

### Aims

- To enable the objectives of the October 2000 European Water Framework Directive to be achieved, in particular regaining good water status by 2015.
- To improve water access conditions for all and to make the workings of the public water service more transparent.
- To reorganise freshwater fishing.

Two major improvements have been made to French legislation

- The right for everyone to have access to water has been recognised, in line with France's international action in this area.
- The notion of adapting to climate change has been incorporated into water management.

The law reorganises institutions to ensure greater effectiveness

By reforming water agency taxes, harmonising them with the Constitution, having decentralisation supervised by Parliament and by simplifying the system.

By backing and authorising river basin committees to approve water agency intervention programmes and tax rates.

At national level, the National Fishing Council has been turned into the National Office for Water and Aquatic Environments (ONEMA), which is responsible for general studies and research, and evaluation. It will provide technical support to the State's central and decentralised departments, and to the water agencies.

The law proposes new and effective tools for fighting diffuse pollution

It proposes implementing action plans containing anti-diffuse pollution measures. These plans benefit from funding and could become compulsory in sensitive sectors :

- catchment areas
- important wetlands
- diffuse erosion areas

The law makes provision for ensuring the traceability of sales of phytosanitary products and biocides and establishes a monitoring system for the sprays used to apply these products. The *taxe globale d'activité polluante* (General Tax on Polluting Activities) on phytosanitary products is now collected by the water agencies. This new tax takes into account the ecotoxicity of these products.

The law helps to improve the ecological quality of waterways

Achieving good ecological status implies that aquatic environments are maintained using non-harmful techniques and that, in spite of hydraulic structures, migratory fish can move freely and natural riverbed movements can take place.

The law also makes provision for the minimum discharge of hydraulic structures being adapted to ecological and energy requirements, and that management methods alleviate the effects of the volumes of water released.

The law provides legal instruments for protecting spawning beds, and specifies the methods used to define open and closed waters.

The law reinforces local and joint water management

It enables joint coordination of abstraction for irrigation purposes by setting up ad hoc structures which manage water quotas.

It relaxes the rules concerning the makeup and the workings of CLE (Local Water Commissions), which are responsible for drawing up SDAGE (Blueprints for Water Development and Management) and monitoring their implementation.

The law also reinforces the blueprints' legal scope, making them more operational and opposable to all.

The law simplifies and reinforces the work of the Water Police, making them more effective.

The law brings together regulatory texts from fishing and water legislation, so that rivers are covered by one

regulatory corpus.

The law provides mayors with new tools for managing the public water and sanitation services in a transparent manner

It increases the jurisdiction of local areas in terms of supervising and renovating non-collective sanitation systems and connections to the networks, as well as supervising discharge into the networks.

The law improves the transparency of water and sanitation services management and facilitates access to water and sanitation for all users.

It creates a guarantee fund which aims to cover unforeseeable damage caused to agriculture land due to the spreading of biosolids.

The law gives local areas the resources to improve the management of runoff through the implementation of a specific local tax, and establishes a tax credit for collecting rainwater.

The law reorganises freshwater fishing

The law modernises the organization of freshwater fishing and hands responsibility to amateur and professional anglers in terms of managing their own fishing and the country's piscicultural heritage.

### THE LAW ON WATER AND AQUATIC ENVIRONMENTS - 39 SPECIFIC MEASURES

#### **Conserving Aquatic Environments**

Authorisation for hydraulic structures will be altered at the latest in 2014 if their workings do not enable migratory fish to be conserved. Over the same period, these structures, unless granted exemption, must permit passage of a minimum discharge level of 10% of the mean discharge (currently 2.5%).

Requirements to respect ecological continuity (migratory fish and natural riverbed movements) are applied to structures on certain waterways, and can include a ban on setting up structures.

Some sections, in structures dedicated to other forms use, particularly hydroelectric, can be used uniquely to maintain an ecological balance and to satisfy priority usage (drinking water etc.).

Riverside residents are required to carry out regular maintenance on waterways without harming the aquatic ecosystems, and local authorities can also substitute them by carrying out grouped operations on sections of the waterways.

Fish movement will be taken into account when delimitating open and closed waters.

The destruction of spawn beds is classed as a criminal offence punishable by a fine. The court may order the aquatic environment to be returned to its original state and the verdict to be published, while definition and identification details will be set out by decree.

The sale and purchase of fish which has been poached is punishable by a fine of €3,750. This fine is raised to €22,500 for protected fish species, such as eels.

Access for walkers to the banks of public waterways is facilitated.

A settlement system has been established for offences covered by the Water Police, with the scheme being supervised by the state prosecutor.

Regulations concerning the mooring or abandoning of barges on public river property have been reinforced.

#### **Quantitative Management**

Distribution of irrigation water is entrusted to one body on behalf of all abstractors in areas where an imbalance exists between needs and water resources.

Some agricultural practices may have to be modified in the quantitative protection areas, upstream from drinking water collection.

When a hydraulic installation presents a public safety risk, a risk study must be carried out and a ban on building campsites and caravan sites may be applied.

#### **Preserving and restoring water quality**

Distributors of anti-parasite products must keep a register of quantities sold.

Anti-parasite product spraying equipment is subject to periodic compulsory checks.

Some agricultural practices may have to be modified upstream from drinking water collection points and certain conservation areas.

#### **Quality of sea and coastal water**

Local areas must fix dates for the bathing season, make an inventory of bathing water and possible sources of

pollution, and keep the public regularly informed.

Judges may confiscate boats which breach fishing regulations.

Penalties for illegal fishing in the French Southern Lands have been reinforced.

Pleasure boats and floating structures which receive the public must be equipped with equipment for holding or treating wastewater from toilets.

### **Sanitation**

A guarantee fund which will compensate damage caused by the spreading of municipal biosolids has been created. Local areas may implement a tax on impermeable surfaces in order to finance rainwater sanitation works (no higher than €0.20 /M<sup>2</sup>).

A tax credit equivalent to 25% of the cost of equipment bought between 1st January 2007 and 31st December 2009 has been created for rainwater collection and treatment equipment.

Private individuals with a sanitation system which is not linked to the mains sewage system must ensure that septic tanks are maintained and emptied by a professional accredited by the prefect. Local areas must check these systems. When such a property is sold, a system certificate must be attached to the compulsory surveys.

If local areas so wish, they can construct, renovate and maintain the equipment of private individuals who request this service.

### **The price of water**

In each new build, a cold water meter will be installed in every apartment, as well as a meter in the common areas.

For existing buildings, the law allows the members of the co-ownership association to take a majority vote on whether they should switch to individual water supply contracts, and the studies and work needed to do this.

For domestic customers, group guarantees and security deposits required up until the present when signing a supply contract are now forbidden. Security deposits which have already been paid will be reimbursed over the next two years.

Progressive and sliding scales can now be used.

In areas with major seasonal changes in population, rates may vary over the course of the year.

The fixed portion of the water price will be controlled in accordance with conditions fixed by a decree.

Funding and transparency of public water and sanitation services have been improved. A national consultative body on water and sanitation services has been created within the National Water Committee.

The free supply of water to the authorities and public buildings (apart from for firefighting purposes) has been ended.

### **Water agencies**

The agencies will fund environment and usage-related initiatives to the tune of €14 billion over the next six years. At least €1 billion will be allocated to rural community support work.

Taxes are adjusted depending on the issues at stake and investments.

### **Organisation of freshwater fishing**

Anglers must pay a subscription to a fishing and aquatic environments protection association.

A national freshwater fishing federation has been created. Departmental federations of fishing and aquatic environments protection associations must join this public interest organization.

The fishing tax has been repealed, and has been substituted by a tax paid to the water agencies.

A national professional freshwater fishing committee has also been set up.