

Summary of the Opinion
"Environmental and social inequalities: identifying emergencies, creating dynamics"
presented by Mrs Pierrette Crosemarie, on behalf of the Section for Environment
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Much of the work undertaken by economists, philosophers and sociologists in France has focused on inequalities, and reducing inequalities is a recurring theme in political discourse. As far as the people are concerned, this is often a major factor in the appraisal of public policies.

There are various trigger factors that can come into play, depending on the type of inequality in question (income, asset, regional, health-related, educational, etc.). Environmental inequalities, which are defined as inequalities in exposure to a particular risk, or one or several types of pollution or pollutant, are often overlooked, despite the fact that such inequalities between individuals and populations are in fact very real, regardless of spatial scale (country, region, urban area, etc.). Access to the benefits of nature and other environmental amenities is also unequally distributed. Gauging such inequalities requires a significant amount of data regarding the condition of the air, water and soil, as well as various socio-economic indicators (healthy life expectancy, socio-professional category, etc.), to be taken into account.

Efforts on the part of international society, the scientific community, civil society and the European Union over the past twenty years have improved the consideration given to environmental issues in the framework of sustainable development. The various initiatives implemented, however, have produced unsatisfactory results.

The opinion looks at the issue of environmental inequalities and the way in which they are coordinated with economic and social inequalities. The following pages summarise the main proposals, primarily concerning France but also taking into account the international dimensions of the issues raised.

The starting point for reflection was the notion of environmental justice developed in the United States having highlighted the link between the location of pollutant sites and activities and the surrounding populations belonging to a specific ethnic or social category. The Environmental Protection Agency (EPA) has identified potential areas of concern with regards to environmental justice with a series of indicators relating to health, inspection initiatives, demographics and environmental conditions. The EPA ensures that a source of pollution does not have a disproportionate effect on a population that has been identified as vulnerable but does not take into account access to environmental assets or the way in which resources are used. Furthermore, the definitive waiver of any form of legal procedure by way of financial compensation is very common. The strengths of the concept of environmental justice lie in the desire to ensure fair treatment and the meaningful involvement of all individuals, with no distinction based on race or income, in the implementation of environmental policy laws and regulations.

This concern for environmental justice, which emerged within the specific geographical context of the United States as a country marked by strong socio-spatial segregation, is also found in other countries of primarily Anglo-Saxon culture. Studies undertaken in the United Kingdom have highlighted that the vast majority of industrial sites undergoing pollution inspections are located in towns with low average incomes.

The term 'environmental justice' does not feature in European legislation, although the EU Charter of Fundamental Rights does include one article that states that a high level of environmental protection and a significant improvement in its quality should be incorporated into the Union's policies.

The proposals outlined in the opinion on environmental and social inequalities are intended to effectively implement this notion of environmental justice.

RECOMMENDATIONS

► IDENTIFYING AND REDUCING ENVIRONMENTAL INEQUALITIES RELATING TO EXPOSURE AND ACCESS TO AMENITIES

- TARGETING DECISIVE SOCIO-ECONOMIC AND ENVIRONMENTAL FACTORS RELATING TO HEALTH AS A MATTER OF PRIORITY

France is a country marked by significant social and regional inequalities in the health sphere. The factors responsible for the excessively high death rate among the least privileged categories of society come into play prior to the individual receiving medical care for their particular condition.

In actual fact, these categories are subjected to various risk factors, including more frequent exposure to environmental risks (toxic chemicals in the working environment, pollutants within the home, urban pollution, etc.), behavioural risk factors relating to lifestyle, more limited access to early detection services and delayed diagnosis of serious illnesses.

The increase in non-transmissible diseases (cancers, cardiovascular diseases, diabetes, obesity, asthma, etc.) is primarily believed to stem from living conditions (level of exposure to pollution and pollutants, nutritional value of diet, quality of housing, etc.), which are themselves influenced by socio-economic factors (level of education, employment, level of income, feeling of belonging to the community, etc.). Such diseases are continuously on the rise and are placing an increasing burden on the health system.

The ESEC supports the adoption of the conceptual framework developed over recent decades by the WHO and based on a broad vision of the health sphere:

"Health is a complete state of physical, mental and social well-being, and not merely the absence of disease or infirmity". This definition recognises the multifactorial nature of health and encourages the relevant decisive individual, social, economic and environmental factors to be taken into account.

Adopted in 1986, the Ottawa Charter claims that "the inextricable links between people and their environment constitutes the basis for a socioecological approach to health" and advocates "systematic assessment of the health impact of a rapidly changing environment".

Delegates from the thirty-eight primarily Western countries that had co-signed the charter are notably committed to fighting the use of harmful products, the depletion of resources, unhealthy living conditions and environments and unbalanced dietary habits. The provisions made must contribute to fighting health-related inequalities within our societies.

1. Generating appropriate data

The ESEC believes that knowledge and the treatment of health-related environmental inequalities must be made a priority. The concept of environmental inequality must be clarified and stabilised and the chosen definition circulated among all of the players concerned.

Geo-referenced databases relating to environmental quality analysis and monitoring are on the increase and the various organisations responsible for them are implementing their own specific data production, management and accessibility methods.

It is essential that networks that produce, analyse and circulate environmental and health-related data be appropriately structured and the methodology to be used specified. The ESEC would suggest creating an integrated observatory of environmental inequalities.

Such an observatory would represent a scientific and technical resource centre responsible for organising the exchange of knowledge across a multidisciplinary network of players.

The National Institute for the Study of Industrial Environments and Risks (INERIS) is developing an integrated tool for spatialised risk assessment known as the Environmental Inequalities Analysis Platform (PLAINE). **The INERIS must have sufficient means available to develop this platform as quickly as possible and create the maps required to establish the appropriate preventive measures in the framework of the Regional Health-Environment Plans.**

The regionalisation of public action with regards to fighting social and environmental inequalities is in fact essential and requires greater cooperation between the players concerned at regional level.

The thorough scientific cross-referencing of data must facilitate the development of qualitative approaches and subjective variables for incorporating the appraisals and the well-being of those concerned.

The Nord-Pas-de-Calais region has established a social health index that has been adopted at national level by the Association of French Regions (ARF). **The ESEC would suggest that a series of comparable multifactorial regional measures be introduced in the long term.**

The exposome concept creates a global and integrated overview of the exposure of certain populations to chemical, physical and infectious agents from the prenatal period until death. This method represents a fundamental development in the characterisation of the causal relationships that exist between disease and environmental factors. **The ESEC would underline the significance of this concept and the fact that priority should be given to firstly targeting the environmental and social causes of non-transmissible diseases rather than their effects by means of predictive medicine.**

2. Reducing exposure and sources of exposure

The definition of the modifiable environment provided by the WHO in 2006 includes pollution by chemicals and biological agents, ultraviolet and ionising radiation, the built environment, noise, occupational risks, agricultural methods, climate changes and the degradation of ecosystems and even individual behaviour related to the environment. There are therefore multiple areas of intervention, which notably justifies the promotion of a broad and cross-disciplinary view of public health issues.

2.1. Managing the risks associated with chemical substances

The European REACH regulation on the trading and use of chemical products within the European Union is designed to improve knowledge, encourage innovation and gradually replace the most dangerous of chemical substances with more health and environmentally-friendly alternatives. Companies must now obtain authorisation should they wish to continue using substances that have been identified as being extremely concerning and manufacturers must provide the relevant data to the European Chemicals Agency (ECHA) before they can bring a product to market. A third of the applications examined by the ECHA provide incomplete information regarding the identity of the substance, its inherent dangers, its uses and/or estimated levels of exposure. The ECHA then has to seek further information from the declaring party in question.

The schedule for registering chemical substances under the REACH regulation runs until 2018. **The number of information and training campaigns should be greatly increased and their form and substance adapted to accommodate small and medium-sized enterprises (SMEs). The ECHA and the governments concerned should assume their full responsibility with regards to implementing the REACH regulation.**

2.2. Improving the public and domestic environments

a) Maintaining efforts to reduce noise pollution

Our Assembly considers it vital to **pursue the policy aimed at reducing noise pollution**. In 2014, some 17 million people were exposed to noise levels exceeding 55dB(A).

Fighting noise pollution is a public health issue. Manufacturers must therefore continue their R&D efforts in the field of acoustic performance.

b) Improving air quality

The 1996 air law recognises that every individual has the right to breathe air that does not damage their health. Despite a decrease in pollutant emissions between 1990 and 2012, seven pollutants out of twelve were failing, at the time, to meet the thresholds set for the protection of human health.

Plans have been produced and an anticipated outcome must also be produced. This should be accompanied by the drafting of a guide to good practice that will make it possible to capitalise on feedback received from initiatives implemented by regional authorities.

c) Ensuring a healthy domestic environment

The ESEC would ask that the public authorities implement the enforceable right to housing to enable all households to access decent housing, that is a residence that does not expose its occupants to any risks to their physical (poisoning, respiratory diseases, allergies, etc.) or psychological health or their safety (faulty or dangerous installations, etc.). **Existing systems should pay at least as much attention to the human element as to the built environment, and greater coordination of local players and policies in the various fields concerned (social, medical, housing, etc.) should facilitate this.**

Efforts to promote decent housing should go hand in hand with a reduction in energy poverty.

d) Natural and technological risks

The subjection of inhabitants to natural and technological risks can include a social dimension and should be examined in greater detail in order to be taken into account in the framework of risk prevention plans.

3. Promoting health and fighting inequalities in environmental health by means of cross-sectional and anticipatory approaches

In its 1994 report on inequalities in the field of environmental health, the WHO stated that "many inequalities in the field of environmental health, particularly those linked to socio-economic variables or the gender of the individual, also represent 'injustices' in that they are unfair and avoidable."

Prevention policies and initiatives in France fail to give fair consideration to the environmental dimension and the social gradient.

The definition, funding and assessment of initiatives designed to prevent and promote health are key factors in managing public health at regional level. **Indeed, it is at regional level, or better still at infra-regional level, that the reduction in social and regional environmental health-related inequalities has the greatest chance of succeeding as a result of prevention policies being adapted to reflect the specific needs of each population.**

4. Involving society

The involvement of societal players primarily requires increased awareness, information and participation. **It is, of course, at regional level that initiatives designed to inform the general public and raise awareness among decision-makers (elected representatives, administrations, promoters, developers, etc.) of health and environment-related issues will have the greatest chance of having a positive impact in terms of increasing involvement and prevention.**

Furthermore, our Assembly recommends that towns and cities develop a culture of 'working together' in the framework of their urban development schemes, for example, since energy efficiency, and the renovation of older buildings in particular, is something that a large number of players, as well as inhabitants wishing to undertake some of the work themselves, can get involved in. Such initiatives implemented close to the field serve to strengthen involvement in environmental issues, reduce social inequalities and increase the ability of the people to take action.

5. Acquiring the means to inflect health-related public policies

Health and environmental issues are linked, and these links must be strengthened at both national and regional levels in order to avoid resorting to strictly sector-specific policies and juxtaposed initiatives.

Our Assembly suggests that initiatives should be concentrated in regions marked by situations of 'unfair inequality', which are characterised by the following

- combinations of risks likely to affect the living conditions of the populations concerned, unbeknown to them, whether in the shorter or longer term;
- disproportionate health risks in relation to the ability to protect against or remedy them;
- discriminatory spatial segregation with regards to access to services and amenities;
- different levels of response and ability with regards to adapting to health effects owing to the vulnerability of the populations concerned.

Our Assembly considers it essential to reconsider regional development and town planning policies, which should incorporate the notion of exposure to risks and pollutants.

The principle of the Health Impact Assessment (HIA) involves taking the health issue into account in all major public policies (town planning, housing, transport, economic development, etc.) and assessing them from this perspective. HIAs were introduced into public health law in Quebec in 2004, with the WHO recommending them as of 2008.

The ESEC would recommend imposing the principle of the HIA by law and making them widespread across all regions, notably through the introduction of local health contracts.

➤ REDUCING INEQUALITIES IN RURAL AREAS BY IMPROVING QUALITY OF LIFE

The rural environment accounts for 79% of the surface of mainland France. This rural space is often marginalised in public policies, despite the fact that the situation in such areas differs greatly. Indeed, some such regions experience primarily economic difficulties, whilst others find themselves in a more favourable position. The most disadvantaged situation is that of the three million inhabitants living in regions that are not only isolated but also underdeveloped and fall outside of the reach of major centres. This situation is reflected in

various indicators of quality of life (access to services, including medical services, level of education, average level of net taxable income, mortality rate, etc.).

Rural areas do, however, offer many valuable amenities and externalities, notably thanks to the natural spaces and landscapes by which they are surrounded, meaning that they contribute to society by providing environmental, economic and societal services. With regards to regional development, the urban environment and the rural environment undoubtedly complement one another; indeed, a reduction in social and environmental inequalities in the urban environment that resulted in an increase in inequalities in the rural environment would be unacceptable.

The expectations of such regions and of their inhabitants must therefore be taken into account and accessible public services maintained and, if necessary, developed.

Consideration is being given, in certain rural areas and at the initiative of the associative sector and the authorities, to the definition of the 'shared assets' and 'public assets' to be protected and developed through the pooling of resources.

This collective definition will help encourage and develop the collective adoption of the projects concerned. Protecting certain types of services, such as access to health services, for example, could be one of these 'shared assets', and such initiatives should be encouraged.

Access to digital technologies is another area of priority in fighting inequalities in the rural sphere and one that particularly concerns agricultural enterprises. Indeed, access to super-fast broadband is a major issue with regards to the appeal of rural areas. **The ESEC would like to see the government's commitment to providing fibre optic access in all regions within the next ten years (as of 2012) be made a priority in rural areas that have difficulty obtaining broadband Internet access.**

Projects of local interest require engineering, study and preliminary consultation capacities that smaller communities are not always able to provide by themselves, meaning that they have to pool their resources and furthermore be able to call upon engineering capacities that they do not have.

➤ IMPROVING ACCESS TO ENVIRONMENTAL AMENITIES IN URBAN AREAS

In an increasingly urban world, **priority must be given to protecting and reintroducing nature into our towns and cities.** In order to coordinate this objective with that of protecting biodiversity, **the ESEC would like to see municipal and intermunicipal town planning documents be made compatible with ecological continuity plans.**

This recovery would imply a desire to assume control of the land in question. **The ESEC would underline the need to aim for regional solidarity and social diversity.** Without the appropriate measures in place, environmental requalification in town and city centres and the re-vegetation of urban spaces lead to expulsion phenomena. Improving the resulting quality of life in and appeal of the space in question adds value to redeveloped areas and increases property prices.

It is vital that we reintroduce nature into our towns and cities by incorporating choices that encourage social diversity and the establishment of environmentally-friendly businesses into any associated plans and projects.

Social diversity should not only be taken into account in the framework of major operations. **The involvement of mayors in requalifying certain neighbourhoods and blocks could make better use of existing tools such as the right of first refusal, for example, in the case of urban wasteland.**

Re-vegetation and limiting land development are some of the ways that can help partially limit the impact of heatwaves in urban environments, particularly where urban heat islands are concerned. The 2003 heatwave that struck France affected those living in isolation with low social and economic capital in particular. **The ESEC would recommend increasing the surface areas of living rooftops, at least in the case of new buildings.**

Environmental amenities can lead to an improvement in urban quality of life. **The ESEC would like to see the policy regarding the creation of allotment gardens and 'integration gardens' designed notably to promote a sense of independence among those in difficulty be truly enforced.**

Gardens designed to serve therapeutic purposes are being trialled in various countries, including France. Such areas, which are aimed primarily at those living in shelters, residential homes and care homes, their families and the corresponding staff, are designed to stimulate the mind and body by exercising the memory and concentration and encouraging involvement in everyday activities.

The pooling of good practices could facilitate the development of these therapeutic gardens and the implementation of assisted or adapted gardening schemes (horticultural therapy, etc.) within care and medico-social institutions.

The feeling of well-being one gets from being immersed in nature is illustrated by the sheers numbers of people visiting forest ecosystems for both recreation and aesthetic purposes. **It would be wise to conduct a series of studies on the contributions of biodiversity to human social skills and health.**

➤ **FIGHTING INEQUALITIES IN ENVIRONMENTAL EXPOSURE AND ACCESS IN THE OVERSEAS TERRITORIES AND DEPARTMENTS**

The opinion suggests that attention be focused on four sources of social and environmental inequality that particularly affect the overseas territories.

➤ **REDUCING OR PREVENTING TOO MUCH INCONSISTENCY IN THE APPLICATION OF STANDARDS WITHIN THE EUROPEAN UNION**

Besides those cases in which it has exclusive jurisdiction, the European Union may legislate in the event that it has shared jurisdiction with the Member State(s) in question. In certain other fields in which Member States have jurisdiction as a rule, it can, however, legislate for the purposes of allowing actions that support, coordinate or complement the action taken by the Member State(s) in question. This option is notably available with regards to protecting and improving human health.

The issue of the inconsistency of standards concerns the functioning of the EU in particular. Indeed, complexity and inconsistency in the application of legally binding acts introduced by the Union on the part of Member States can put certain types of businesses at a disadvantage whilst favouring others. Such a situation can result in a distortion of competition in the framework of the single market.

The following principles must serve as a guide for the action to be taken:

- **taking the varying situations between different Member States into consideration;**
- **not taking advantage of a revision of the regulations to bring about a return to the previously determined level of requirement;**
- **upholding the principle of consultation right throughout the process;**
- **staggering the introduction of new requirements over time;**
- **introducing or maintaining regular monitoring obligations.**

The level of requirement imposed must ultimately be the same for all Member States in order not to result in any environmental or social distortion of competition.

► **ANTICIPATING THE ECONOMIC AND SOCIAL CONSEQUENCES OF ENVIRONMENTAL POLICIES**

Environmental policies are not designed from a redistributive perspective. They do, however, have an impact on economic activity and different social categories, regardless of whether or not they are implemented in a differentiated manner.

➤ **CLEARLY IDENTIFYING THE VARIOUS SOURCES OF FUNDING FOR ENVIRONMENTAL POLICIES IN TERMS OF OBJECTIVES**

In addition to their impact on industry, environmental policies can have different repercussions on different social categories. It is important to look at which principles and which means will make it possible to effectively develop 'environmental policies for all'. The scope of environmental policies according to the remits of the Ministry for Ecology, Sustainable Development and Energy spans a very wide variety of policies. There are consequently a number of potential approaches with regards to funding such policies.

Most are funded by resources stemming from the national budget. This funding therefore amounts to the redistribution of income and assets through taxation. Some are nevertheless subject to certain taxes , usage fees and environmental contributions. All such methods of funding require thorough economic and social impact studies of environmental measures to be carried out, as well as the adoption of a general fiscal and financial framework in order to ensure economic efficiency, social justice and a response to the ecological emergency.

The ESEC supports the reflection initiated by the Ministry for Ecology (Department for Observation and Statistics) aimed at better understanding preventive expenditure and distinguishing it from the expenditure required to rectify any damage caused.

It would also like to see the load distributed between the various players concerned based on this distinction in order to more effectively target the various public policies.

➤ **ANTICIPATING THE ECONOMIC AND SOCIAL ASPECTS OF ENVIRONMENTAL MEASURES IN THE ENERGY SECTOR**

France is committed to an energy transition policy. The opinion takes the example of fiscal measures regarding carbon taxation and their impact on certain professional sectors, as well as on low-income households, which are often also in a situation of energy poverty. The Council considers it essential to prevent any risk of increasing energy poverty levels, whether relating to housing or mobility.

The ESEC would therefore reiterate the importance of carrying out sector-specific studies, since such provisions will have significant repercussions on different economic sectors (automotive, chemistry, metalworking, transport, etc.) in terms of competitiveness and employment. Industrial and professional transitions take time and require a degree of anticipation and negotiation within the fields concerned.

The increase in energy taxation on consumers under duress has an immediate impact in terms of purchasing power and consumption. It is important to offer compensation for households under duress and/or alternative solutions relating to everyday mobility.

With regards to fighting greenhouse gases, the growing cost of mobility for households that depend on their own cars and road transportation in the wider sense must be taken into consideration. Mobility must not give rise to a new social divide. It is now recognised that in order to successfully make the ecological transition our society must adopt more advanced mobility habits, and the development of dedicated public transport networks and active mobility schemes will contribute to such advances. The periurban regions that are home to an increasing proportion of the population require a combination of anti-exclusion and pollutant emission-fighting measures to be implemented as a matter of priority, and regional development initiatives must anticipate mobility-related issues in order to reduce the social and environmental inequalities brought about by the distances between homes, places of work and leisure facilities.

In order to better understand the vulnerability aspects associated with mobility, the Energy Poverty Observatory plans to introduce an indicator system that will help calculate a basic living allowance that incorporates a housing allowance and transport.

The ESEC would like to promote an environmental taxation system and a system for modulating certain taxes that take players' behaviours into account and encourage cleaner production methods and consumption patterns.

All fiscal measures would benefit from being re-examined and not only those relating to so-called ecological taxation, including any public support that might prove detrimental to the environment and human health.

Finally, with regards to fighting energy poverty, the ESEC would reiterate the fact that priority should be given to renovating housing with the aim of achieving a very high level of energy performance. It is therefore in favour of magnifying and extending the *Habiter mieux* ('Better living') programme and other wider-reaching programmes, which requires State public funding that reflects the stated renovation objective and for such funds to be supplemented by local authorities.

Local services are vital to identifying households in situations of energy poverty, not only in terms of diagnosing such situations but also of guiding the households in question towards appropriate support mechanisms.

Based on the observation of a lack of information on the part of households that may find themselves affected by the choices to be made and the potential alternative solutions, the ESEC would like to see local authorities strengthen the personal advice and support mechanisms in place.

► **ENCOURAGING INVOLVEMENT IN ENVIRONMENTAL POLICIES**

The Environmental Charter represents a key development within France with regards to the assertion of environmental rights and duties. This movement is one that should be encouraged and continued. It should also transcend mere environmental policies. The Aarhus Convention invites representative players to participate in decision-making processes. Indeed, the fact that certain individuals or groups of individuals may not be able to effectively exercise their right to access environmental information or to contribute to public decisions that have an impact on the environment is an environmental inequality in itself.

Whistle-blowers in France are protected by a number of legal texts covering a very wide variety of events and sectors. The Act of 16 April 2013 establishes an actual right of information allowing any individual or legal entity to make public or "*circulate in good faith information relating to a fact, piece of data or action, provided that they believe that ignorance of said fact, piece of data or action would present a serious health or environmental risk*".

The ESEC regrets that the non-publication of certain implementing decrees pertaining to this law limits its effectiveness.

With regards to the role of employees on Health, Safety and Working Conditions Committees (CHSCTs), commitment n°199 of the Grenelle environment act notably provided for the *"incorporation of the environment and sustainable development into the missions of CHSCTs and WCs in accordance with terms to be negotiated with the relevant social partners"* and for it to be adapted to reflect the size of the company. This negotiation was not concluded.

Following the explosion at the AZF factory in Toulouse in 2001, the Act of 30 July 2003 regarding the prevention of technological and industrial risks increased the resources available to CHSCTs within establishments housing at least one dangerous device. Local information and consultation committees must facilitate exchange between employer, sub-contractor, employee, local resident, association and public authority representatives and the ESEC would emphasize the importance of such bodies operating smoothly, since the environmental risk cannot, in fact, be limited to within the company, even though the workforce may be called upon to play the role of gatekeeper.

The right to information within a company is currently limited to serious risks stemming from the company's use of certain products or manufacturing processes, i.e. to material facts for which the employer is directly responsible. The CHSCT's ability to take action is flanked by its capacity as an employee representative body.

The opinion observed a degree of dissensus with regards to extending the powers of staff representative bodies to environmental issues.

The ESEC would like to see new preventive means in the field of environmental health, to which the right of information contributes, implemented for the benefit of everyone, both within and outside of the professional sphere.

➤ **MAKING NEW AGENDA 21S TRULY REGIONAL PROJECTS WITH STRONG LOCAL ROOTS**

The Agenda approach is a very valid one, with some 950 initiatives registered in December 2013 and 1,028 nine months later.

The Agenda 21 is currently perceived as a progressive tool that has already allowed certain authorities to set about modernising their sustainable development indicators and can enable authorities to set themselves objectives for fighting social and environmental inequalities.

➤ **MAKING THE 'RIGHT TO THE CITY' A REALITY BY INCREASING INVOLVEMENT AND FIGHTING INEQUALITIES IN THE ABILITY TO TAKE ACTION WHERE ENVIRONMENTAL MATTERS ARE CONCERNED**

The ESEC considers participating in the debate to be an issue of environmental justice where projects pertaining to major urban infrastructures, the construction of new neighbourhoods and eco-friendly neighbourhoods in particular, and urban renovation and requalification are concerned.

The 'right to the city' involves granting inhabitants the right and enabling them to participate and get involved in the construction of their city and to contribute to its evolution over time. It is important to create and enhance within the neighbourhoods in question certain coordination methods designed to encourage this adoption of environmental issues and this capacity for civic expression.

➤ **EDUCATING INDIVIDUALS IN DEMOCRATIC PARTICIPATION FROM AS YOUNG AN AGE AS POSSIBLE**

Issues associated with environmental and social inequalities must be incorporated into teaching on sustainable development and the environment at lower and upper secondary levels and be used to develop debating skills. **The ESEC would recommend that environmental health issues be one of the channels used for this purpose.**

► **DEVELOPING ENVIRONMENTAL RESPONSIBILITY AND REPAIR**

In a manner that complements the fiscal regulations and measures in force, certain civil and criminal liability regimes do come into play in the event of personal or collective damages being sustained. The decisions made are then designed to serve a restorative or compensatory purpose.

➤ **ENSURING THAT THE 'POLLUTER-PAYER' PRINCIPLE IS APPLIED**

The polluter-payer principle is an economic principle designed to repatriate externalities in production costs. The practical implementation of this principle is a laborious and fragmentary task. Indeed, public authorities may resort to using a number of instruments, such as taxing pollution, imposing standards and

introducing various compensation systems. **The costs associated with measures designed to prevent, reduce and fight pollution must be borne by the polluter; this principle of the French Environmental Code should once again be made a guideline across all sectors and a key aspect of both public and private projects.**

➤ CONSOLIDATING THE APPLICATION UNDER FRENCH LAW OF THE PRINCIPLE OF REPAIRING ECOLOGICAL DAMAGE

Repairing damage caused to the environment represents a continuation or legal consequence of the polluter-payer principle. As a matter of principle, all parties acknowledge the existence of a duty to repair any damage caused. In actual fact, the conditions, and even the very possibility, of acquiring the right to damages or compensation, will vary.

It is in fact as a result of the abundant case law prompted by the Erika case and the consequences thereof that greater consideration has gradually been given to ecological damage. The case law does not, however, provide a definitive solution to the issue of "'pure' ecological damage".

Some have recommended that the specific regime governing the repairing of 'pure' ecological damage be consolidated. Others have highlighted the difficulties that remain with regards to defining and applying such a principle. The principle of repairing ecological damage therefore continues to fuel debate.

➤ UPHOLDING THE PRINCIPLE OF PRECAUTION AS A GUIDELINE FOR SUSTAINABLE HUMAN DEVELOPMENT

Sanctioned in Article 15 of the Rio Declaration, the principle of precaution is also present in various acts by which the parties are bound. It features in the preamble to the Convention on Biological Diversity, as well as among the principles sanctioned in Article 3 of the Framework Agreement on Climate Change, and is one of the principles that guide the Union's environmental policy. It has also finally been incorporated into Article 5 of the French Environmental Charter.

The principle of precaution is not a principle of abstention whereby proof of innocuousness is a pre-requisite to any authorisation being granted or decision being made. It is a necessary guideline based on the following:

- systematic and reasonable doubt;
- the early consideration of unpredictable risks;
- a multidimensional approach to activities;
- flexible decisions resulting in proportionate, provisional and reversible measures;
- transparent and multi-disciplinary independent expertise, etc.

➤ BETTER UNDERSTANDING THE ENVIRONMENTAL AND SOCIAL ISSUES FACING COMPANIES IN THE INTERNATIONAL CONTEXT

Globalisation and the economic financialisation we have been witnessing in recent decades have brought about a profound change in production systems. In the case of France, a significant part of the industrial sector has been relocated abroad and another part outsourced. With this in mind, it would appear to be crucial to take into account the negative economic, social and environmental consequences of such transfers of activity.

What has been achieved over the past three decades would appear to be a contrasting outcome with regards to local pollution in that air quality measured in terms of microparticle concentration has indeed improved, but progress has been quicker in towns and cities in developed countries whereas pollution has been significantly increasing in so-called emerging countries. The same is true of the sulphur dioxide content in the air.

It is not, then, a case of simply shifting the pressure or the pollution. Priority must be given to meeting the basic needs of populations by implementing the necessary measures to limit vulnerability, and all public policies must reflect this stance. **The ESEC would reiterate the importance of fighting all forms of dumping that distort the rules of the game, invalidating righteous projects and penalising the efforts of companies that demonstrate respect for both their employees and the environment. It would advocate the inclusion of environmental and social clauses in commercial agreements in ways that would need to be negotiated.**

Our Assembly also considers it essential to promote and facilitate civic consumption practices that incorporate these requirements.

The States themselves are not, however, the only protagonists on the international stage. Indeed, a series of international instruments have been developed over the course of recent decades, including the OECD Guidelines aimed at multinational enterprises and produced in 1976, the International Labour Organisation's (ILO) tripartite declaration on multinational enterprises, the UN's Guiding Principles on Business and Human Rights, the ISO

26000 standard, the development of international framework agreements, the International Covenant on Economic, Social and Cultural Rights and the Global Compact, among others.

The OECD Guidelines apply to all sectors of the economy. The National Contact Point (NCP) found in all OECD countries is designed to promote the guidelines and respond to complaints regarding any non-compliance with said guidelines. **The ESEC would reiterate the suggestion that NCPs be consolidated.**

Companies themselves have a key role to play in limiting pollutants and reducing the immediate and delayed impact of production on the environment and natural resources, regardless of their size. For this reason, many of them have made strategic choices based on involvement and anticipation and have produced codes of good conduct, ethics charters, etc. In certain sensitive sectors, tailored communication of the environmental risk and the desire to control it are crucial and can take the form of the presentation of an environmental assessment.

Listed companies, meanwhile, are obliged, under the law on the New Economic Regulations (NER), to provide certain extra-financial information in their management reports. The Grenelle environment act aimed to supplement the system by extending this reporting obligation, an extension that was met with reservations on the part of certain stakeholders. In a report published in October 2014, the ORÉE association outlined a contrasting appraisal of its application.

The ESEC would therefore reiterate its desire to see an improvement in the information provided as part of a positive Corporate Social Responsibility (CSR) approach. Aiming to incorporate international frameworks of reference, putting national and foreign companies on an equal footing, targeting relevant optional indicators depending on the activity concerned, increased responsibility on the part of companies with regards to choosing indicators and encouraging them to announce their general policy on sustainable development would encourage greater consideration of the issues associated with improving CSR. The transposition of the directive of 29 September 2014 on extra-financial reporting on the part of companies must provide an opportunity to clarify this approach. **The international dimension of CSR should be that much stronger as a result of this new text.**

In addition to these regulatory obligations, **the ESEC would reiterate its desire to see the development of CSR within SMEs encouraged as a strategic aspect of their development.** Expressed through a series of sector-specific measures aimed at small businesses, the publication of various guides and the production of training programmes, CSR provides an opportunity to view the company in constant interaction with its environment and the various stakeholders concerned, as well as with all those in the local area affected by its activity.

The ESEC would underline the vital importance of this player-based approach. The form of commitment that the provision of information of an environmental, social or societal nature relating to their activity represents for companies serves to enlighten stakeholders and enrich the statistical data available. With this in mind, CSR development can be seen as a tool for fighting environmental and social inequalities provided that the information produced is incorporated into corporate strategies and taken into account among the aspects considered in the production of public policies.