

Le Conseil supérieur de la pêche

Organisation



Conseil Supérieur de la Pêche
Protection des milieux aquatiques

A public administrative establishment under the authority of the Ministry of the Environment and Sustainable Development (L 434-1, L 434-2, of the French "Code de l'Environnement". R 434-1 to R434-24 CE)

1 General management team



9 Regional delegations



89 departmental units

8 mobile intervention units

TOTAL

around 850 people of which 791 are technical agents and technicians

50 hydrobiologist engineers

Le Conseil supérieur de la pêche

Missions



Conseil Supérieur de la Pêche
Protection des milieux aquatiques

Technical missions defined by the Articles R 434-3 and 434-4 of the French "Code de l'Environnement"

- Experimentation, technical research and socio-economic studies
- Data collection
- Technical support and information of the administration
- Assistance for departmental fishing federations
- Teaching, training
- Promotion, vulgarisation
- Consultation by the Ministry for all legislative or regulatory measures concerning this subject
- **Participation with its agents commissioned for law enforcement for nature and more specifically fishing and water**

Laws and major texts on the pollution of the natural environment in continental waters

Loi pêche 1984

Principle:

Preservation of aquatic environments and protection of fishing resources
Balanced management of resources

Main repressive articles D:

L 432-2 CE – pollution

L 432-3 CE – travaux et aménagement d'ouvrages

L 432-5 CE – Q réservé
(L 432-8. Art répressif)

L 432-6 CE – Passes à poissons
(L432-8.Art répressif)

L 432-9 CE – Vidanges

L 432-10 CE – Introduction d'espèces

Modifications made by the "Loi eau"

2006-1772 of 30 December 2006

L 432-3 CE NEW

L 214-17 CE

L 214-18 CE

Repealed

Loi eau 1992

Principle:

Common heritage of the Nation
Protection, valorisation, development of usable resources respecting natural balances

Main repressive articles D:

L 216-6 CE - Pollution

L 216-8 CE - Lack of IOTA authorisation and other related infractions

IOTA: installations ouvrages travaux activités

Laws and texts relating to pollution of the natural environment

1975 Law on waste

Principle:

- Prevent or reduce production and harmfulness of waste
- Organise waste transport and reduce volume transported
- Upgrade waste

Main repressive articles D:

L 541-46 CE – varied offences such as refusal to provide the administration with certain information, **Abandoning waste**, exporting waste...

1976 ICPE

Principle:

Submission of IOTAs which may present dangers or drawbacks for:

Comfort of neighbouring populations

Health

Safety

Public well-being

Agriculture

Protection of nature and the environment

Conservation of sites and monuments

Elements of archaeological heritage

Applicable to exploitation of quarries

Main repressive articles D:

L 514-9 CE to

L 514-12 CE: **Lack of IOTA authorisation and other related infractions**



Environmental agents and technicians

A workforce of civil servants under the authority of the Ministry of the Environment (MEDD) since 2001

ONCFS (Hunting and fauna)
Office national chasse faune
sauvage

CSP (water and fishing)
Conseil supérieur pêche

PN (flora and fauna)
Parcs nationaux

Law enforcement on FISHING

General surveillance to control fishing and specifically to crack down on poaching, **observation of and response to the pollution of waterways and the destruction of environments.**

Law enforcement on WATER

Implementation of MISE orientations and directives, **water pollution**, control of pumping, creation of contingency plans, operations, discharge authorisations etc...

Other forms of law enforcement

Protection of flora and fauna, hunting, natural areas. 1976 law

Agents authorised to report pollution 1

Fishing pollution

Art. L. 437-1 of the "Code de l'environnement" (river fishing).

I. Officers and agents of the judiciary police listed in articles 16, 20 and 21 of the code of criminal procedure and the agents authorised by special laws:

1° Agents of the Conseil supérieur de la pêche

2° Agents from the "Domaine national de Chambord" commissioned for this purpose by the administrative authority

3° Qualified engineers in rural, water and forest engineering, project engineers and agents in charge of law enforcement for fishing in the departmental directorates for agriculture and the forest, and within the "Office national des forêts", qualified engineers and agents within the services in charge of navigation commissioned for this purpose by the competent administrative authority.

4° Engineers working for the "Office national des forêts" and special agents of this body acknowledge by article L. 122-7 of the "Code forestier"

5° "Gardes champêtres" - rural police officers

6° Agents working for the "Office national de la chasse et de la faune sauvage" commissioned and sworn into the constituency to which they are assigned.

7° Customs agents as well as agents authorised by the order of 9 January 1852 on the exercise of sea fishing.

Agents authorised to report pollution 2

Water pollution

Article L. 216-3 of the "Code de l'environnement"

1° Civil servant and agents, sworn in and commissioned for this purpose under the conditions imposed by the order of the "Conseil d'Etat", belonging to the State services in charge of the environment, agriculture, industry, equipment, transport, health, defence

2° Agents mentioned in article L. 514-5 (ICPE)

3° Engineers and technicians of the "Laboratoire central" and public health inspectors of the "Préfecture de police"

4° Customs agents

5° **Agents sworn in and commissioned for this purpose** working for the "Office national de la chasse et de la faune sauvage" and the **"Conseil supérieur de la pêche"**

6° Researchers, engineers and technicians of the "Institut français de recherche pour l'exploitation de la mer"

7° Dock masters and assistant dock masters

8° Engineers working for the "Office national des forêts" and agents of this establishment, acknowledged by article L. 122-7 of the "Code forestier"

9° Agents sworn in and commissioned by national parks and nature reserves.

II. Rural police officers commissioned for this purpose may be authorised report the offences mentioned in this article under the conditions determined by order.

Pollution: "loi eau"

L 216-6 CE OFFENCE

Any substance

Actions or reactions



- Harmful effects on health
- Damage to flora and fauna (except L 432-2 CE and 218-73 CE)
- Significant alterations to the normal system of water supply or restrictions of the use of bathing areas

two years of imprisonment and
a 75,000 € fine.

Possible publication of the decision in one or several newspapers.

Pollution: "loi pêche"


L 432-2 CE OFFENCE

Any substance

- ↓ Actions or reactions ↓
- Destruction of fish stocks
 - Harm to nutrition
 - Harm to reproduction
 - Harm to the nutritive value of the fish
- two years of imprisonment and
an 18,000 € fine.

Possible publication of an extract of the sentence in two newspapers or more

Comparison of "loi eau" and "loi pêche"

| | | |
|--|--|--|
| <u>LEGAL ELEMENT</u> | Article L 432-2 CE (loi pêche) | Article L 216-6 CE (loi eau) |
| <u>MATERIAL ELEMENT</u> Action | Direct or indirect jet or spill (active) or run-off (passive) | Direct or indirect jet or spill (active) or run-off (passive) |
| Field of application | Waters mentioned in article L 431.3 CE (free water) L 431.5, L 431.6 and L 431.7 of the CE | Surface, under ground, maritime or territorial waters, i.e. closed or free, seawater or fresh water |
| Means | Any substance; action or reaction | Any substance; action or reaction |
| Damaging results | Destruction of fish or harm to their nutrition, nutritive value or reproduction | Harmful effects, even temporary, on health, flora, fauna (except fish). Significant alteration to drinking water supply or limitation of use of bathing areas |
| <u>MORAL ELEMENT</u> | Intent to harm or imprudence, negligence | Intent to harm or imprudence, negligence |
| Respect of an administrative <u>authorisation</u> | | Justification of exoneration of responsibility |
| | |  <p>Conseil Supérieur de la Pêche Protection des milieux aquatiques</p> |

Other offences relating to the pollution of continental water (law enforcement on water)

Discharge of farming effluents

Order 96-540 of 12 June 1996

Direct discharge of effluents from agricultural land into surface waters, ground waters or the sea

C5

Large quantities of waste in surface and ground waters...

L 216-6 CE (2nd paragraph)

OFFENCE

Main types of pollution 1

Hydrocarbons



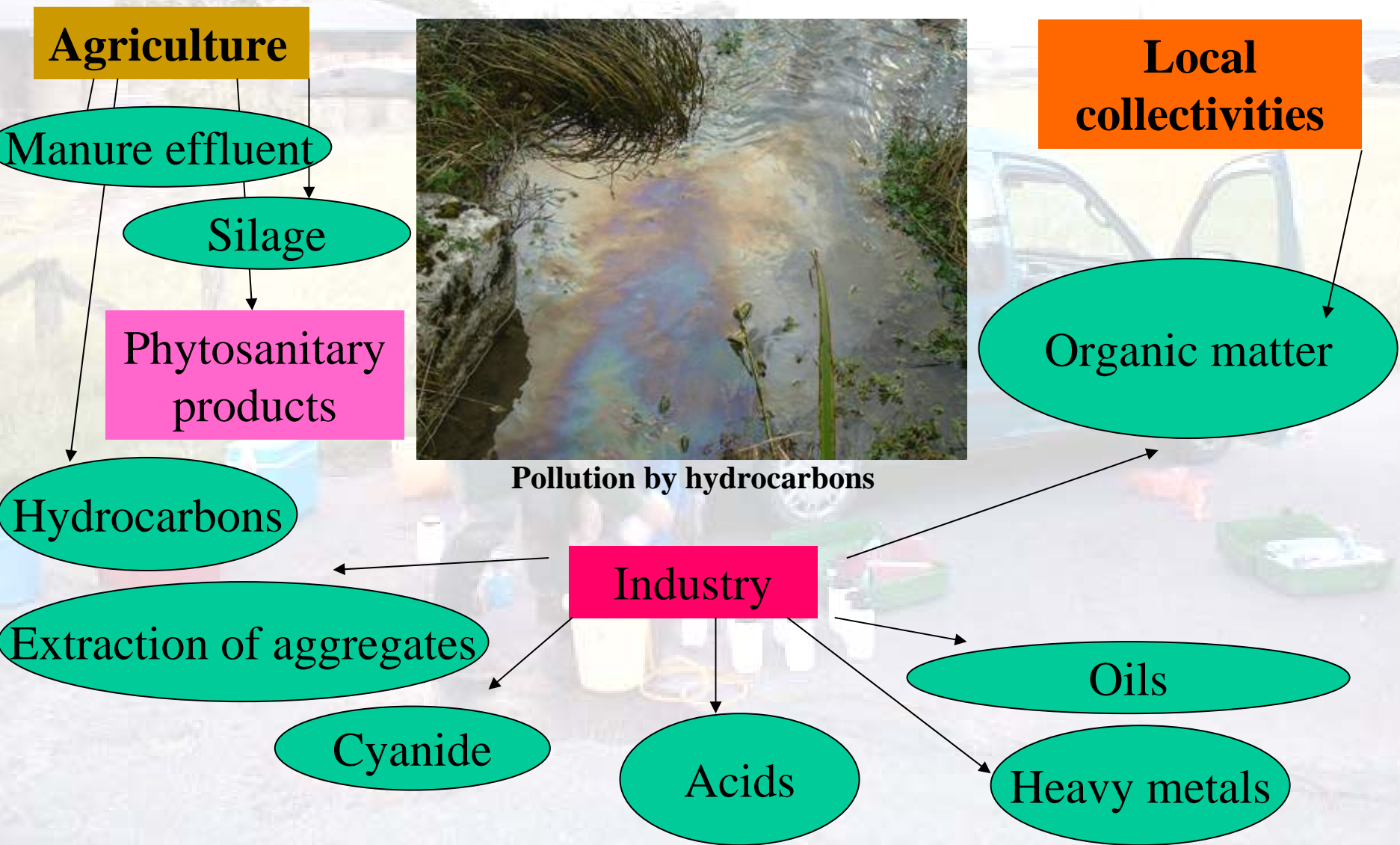
Organic pollution



Matter in suspension

Accidental or chronic

Main types of pollution 2



Reporting methodology



Sampling

Photos

Investigations

Maps



Diagrams

Technical datasheets

Information on laws and regulations

Jurisprudence

Elements for diagnosing water pollution

Fish mortality



Invertebrate mortality



Abnormal behaviour

(swimming on back, jumping out of water)

Abnormal colour of the water (sheen)

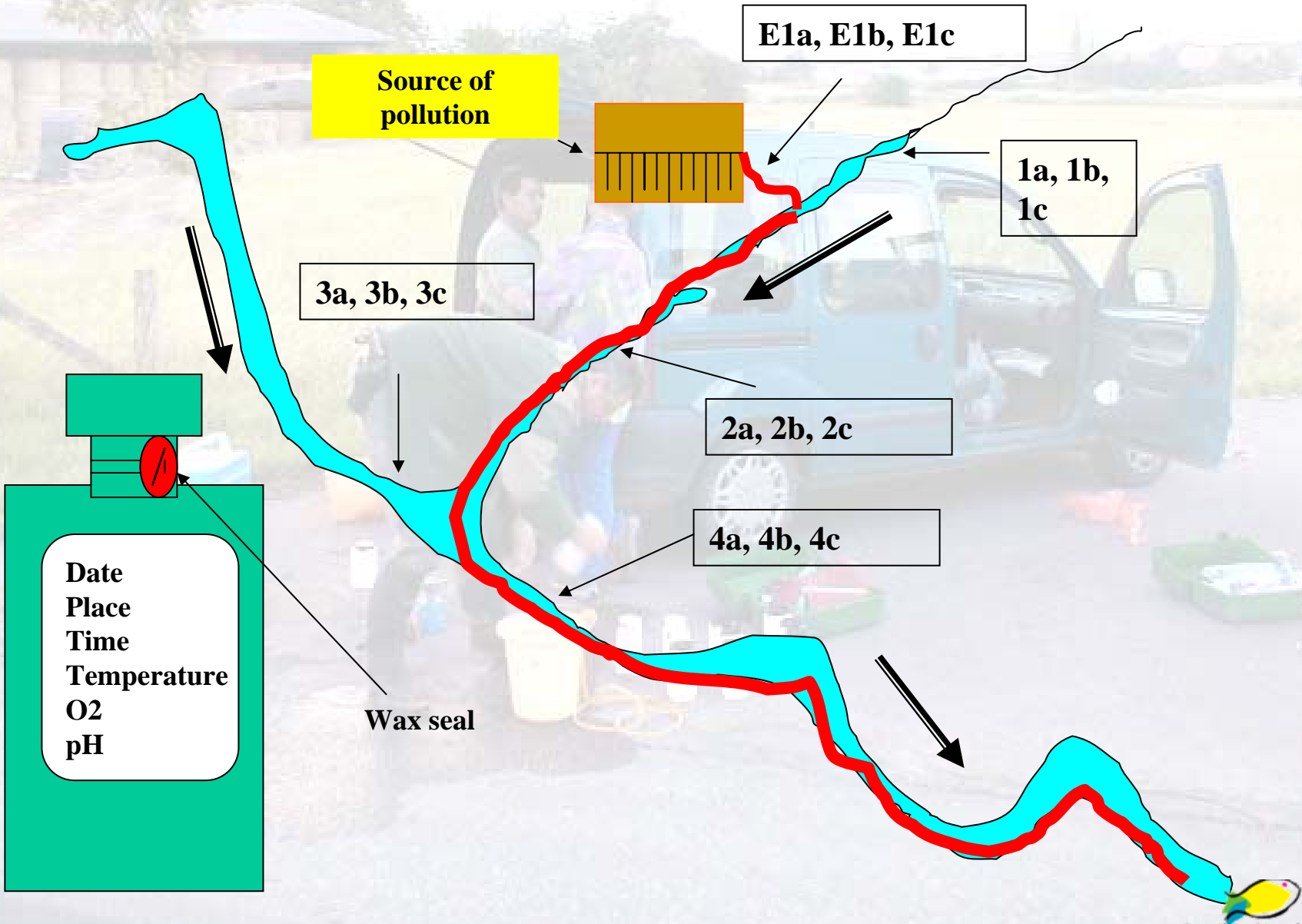


Physico-chemical parameters



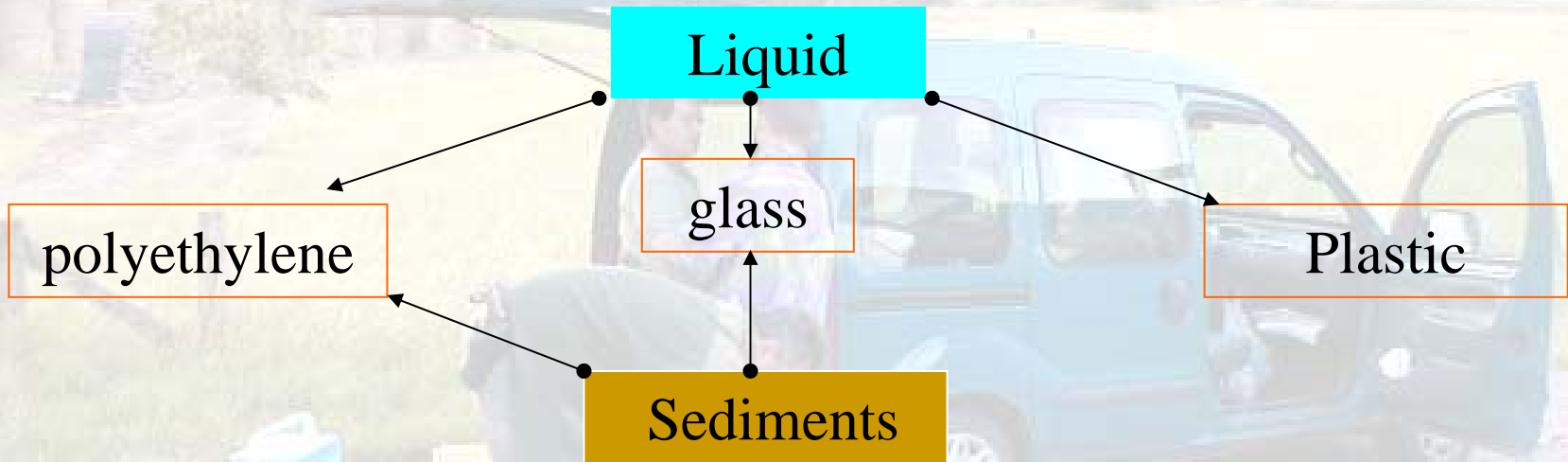
Putrid smells

Sampling 1: Schematic diagram



Sampling 2

- Sample bottle of at least 1 litre, suited to the presumed pollutant



- Fish (whole, muscles or gills) according to the type of pollution

Polystyrene packaging
with ice

Sampling 3

3 samples at each sampling point

RECIPIENTS

With sampling sheet

Analysis laboratory

Analysis and report

Court registry

Accused party

Legal proceedings

Report on findings provided in 5 copies

- Original: Procureur de la République
- Copies:
 - Accused party
 - Competent administrative party
 - President of the "Fédération de pêche" and the "Association pêcheurs professionnels"

Sent within 5 days of the closure of the proceedings

Online help system for drawing up documents for the CSP: **OPALE**

Next steps

1

Case closure

2

Proceedings and conviction

3

Alternatives to proceedings

Penal mediation

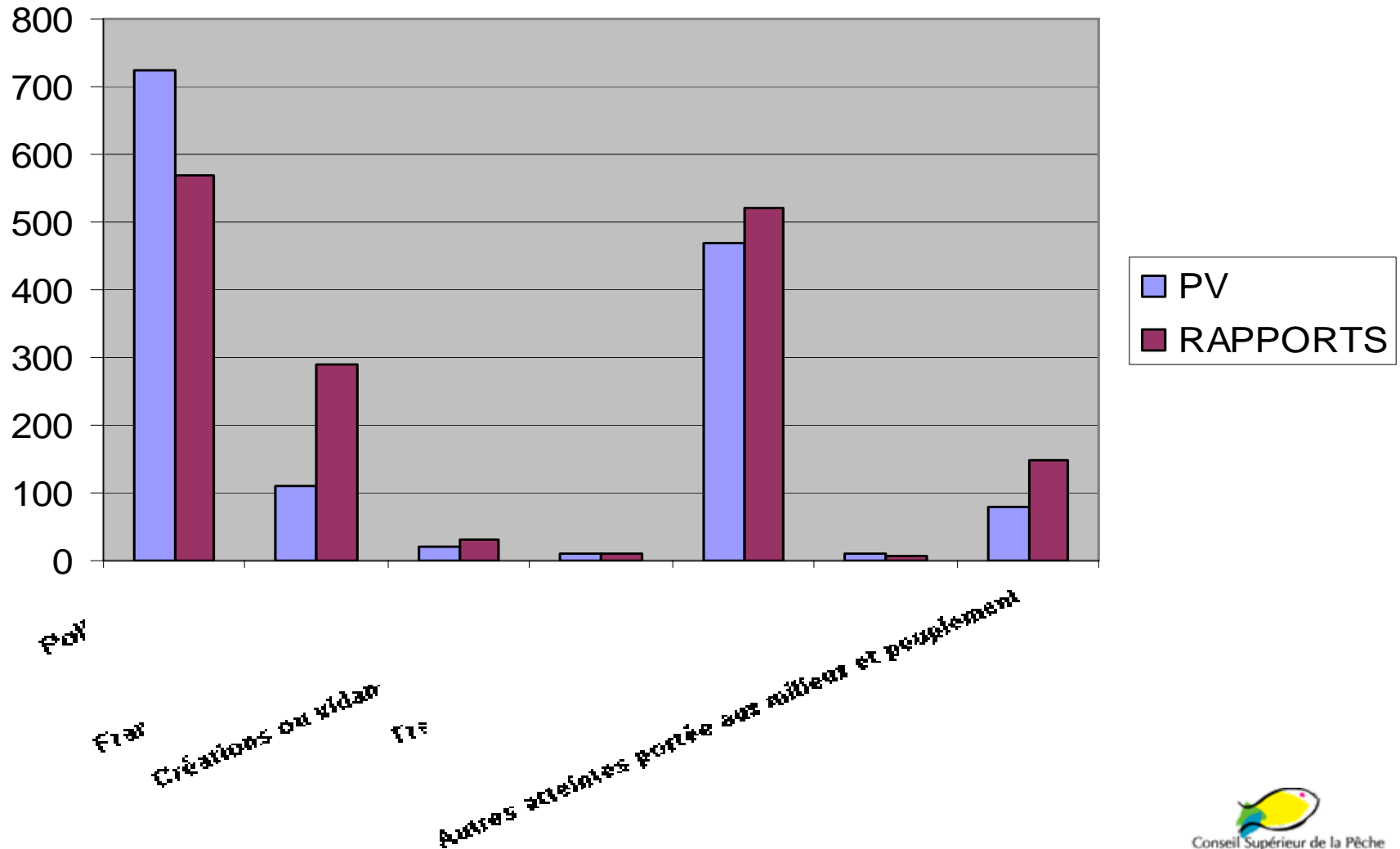
Settlement

Penal order

Possibility for the court to enforce measures in order to stop the offence
(deadline and penalty payment also anticipated)

Statistics

Distribution of reports in 2005 at the CSP



Conclusions

Need for perfect knowledge of species biology, physico-chemical parameters and hydrometry amongst other elements.

CSP's squad of specialised agents responds perfectly to this need, thanks to the training of these agents and their knowledge of the field



The transformation of the CSP into the ONEMA (Office national de l'eau et des milieux aquatiques) will alter certain missions geared more towards attaining a sound ecological state, without however compromising the field-based missions which are indispensable for reliable provision of information on the harm to the environment and for the continuation of efficient law enforcement against all types of pollution