



ENVIRONMENTAL EVALUATION CHARTER FOR engineering firms

FOREWORD

This charter sets out the commitments governing the involvement of engineering firms in environmental evaluation activities.

For the purpose of this charter, the term “engineering firm” refers to any entity, regardless of its legal status, conducting such evaluations, whether in whole or in part.

The term “environmental evaluation” refers, in particular, to impact evaluations for public or private construction, structural or development projects, whether permanent or temporary, and plans and programmes likely to have a notable impact on the environment. For example, environmental evaluations cover the impact assessments mentioned in article L.122-1 of the French Environmental Code, impact evaluations of the plans and programmes listed in article L.122-4 of the French Environmental Code, the environmental evaluations mentioned in article L.121-10 of the French Planning Code, the impact document required under the French Water Act and mentioned in article R.214-6 of the French Environmental Code, and the Natura 2000 impact evaluation mentioned in article L.414-4 of the French Environmental Code. The generic term “project” is used in this charter, and therefore covers all projects, plans and programmes.

The term “project owner” refers to a natural person or legal entity, whether public or private, initiating a project and commissioning the engineering firm

to conduct the environmental assessment for such project. This person or entity is therefore the client of the engineering firm concerned. In the majority of cases, the “project owner” is the entity that wishes to conduct an environmental evaluation, either due to a statutory requirement or on a voluntary basis.

The engineering firm is one of the stakeholders in the project impact evaluation chain, and responds directly to a request from a project owner. These evaluations are examined by an environmental authority*, which then publishes an opinion. The evaluations provide an opportunity to consult and inform members of the public, for example during a public consultation process or through publication of the findings.

All stakeholders in the chain must find common ground and establish mutual trust, agreeing on managing deadlines and costs effectively in order to avoid, mitigate or compensate for the impacts of the project in question.

This charter sets out the commitments made by engineering firms, in the interest of transparency, with a view to satisfying the requirements of project owners and representatives of public authorities required to issue an opinion about the environmental evaluation.

* On environmental matters, the competent authority may be the Ministry of the Environment, or Prefects, acting at local level and on its behalf, where the Ministry does not have direct responsibility for the project due to other components (transport, energy, urban planning, etc.), or an environmental authority formed by the General Council for the Environment and Sustainable Development. The precise remits and responsibilities of these various authorities are detailed in article R. 122-6 of the French Environmental Code.



1. GUARANTEED INDEPENDENCE

- a. Under all circumstances, the engineering firm must provide the project owner with a clear indication of the impacts of the project and the concrete measures proposed.
- b. The engineering firm must notify the project owner, in advance, of any conflict of interest that may arise in the performance of its duties or that may affect its independence.
- c. When conducting an environmental evaluation of the project, the engineering firm must not provide services, of whatever nature, to any third party contesting the same project.
- d. The engineering firm must conduct all elements of its advisory and assistance tasks connected with the project owner's project in a clear, transparent manner, whether such tasks are assigned directly or indirectly.

2. DUTY TO INFORM AND CONFIDENTIALITY

- a. The engineering firm is bound by a duty to inform the project owner throughout its mission.
- b. The engineering firm must notify the project owner in the event that the evaluation specifications are found to be incomplete. It must also inform the project owner of the most suitable time period(s) to conduct the inventory, measurement and field analysis tasks, and must notify the project owner in the event that the proposed time scales are unsuitable.
- c. The engineering firm must advise the project owner on the relevant protocols and methodologies and must encourage innovation and transfer of best practice.
- d. The engineering firm must treat all information received from the project owner, or to which it has access during its work, as strictly confidential.
- e. Any information communicated or produced during a study may not be used or disclosed without the prior consent of the project owner.

3. TRANSPARENCY

- a. The engineering firm must describe and justify the methods and techniques that it uses, and in particular its field and laboratory methodologies, and must explain how the collected data is processed. It must use standardised methods, where these exist, in the interest of reproducibility and monitoring.
- b. The engineering firm must specify the limitations of the results of the study, in line with the scientific and technical difficulties encountered and the reliability of the techniques used. These limitations must be clearly indicated at the start of the evaluation process and, where necessary, may be re-evaluated or restated upon hand-over of the deliverable document.

c. The engineering firm must present the results of the study in detail, both in electronic and hard-copy format, such that the results may be verified, cross-referenced and compared by the project owner, and such that they may be re-used for future purposes.

d. Where the engineering firm has used existing data, information or documents, it must cite its sources and must provide details of (or evaluate) the reliability of such sources, as well the relevance of such sources to the context in which the data are used. It must indicate the accuracy and obsolescence of such sources, and must clearly state the importance of this data to its work, based on its own results.

e. The study must constitute an indivisible whole. Where the engineering firm heads a consortium or subcontracts part of its work, it must not use the results of the work, or amend such results, without the author's prior consent.

f. The engineering firm must notify the project owner of any difficulties encountered during the evaluation process without delay.

g. The engineering firm must deal with all intellectual, industrial and private property rights in a transparent manner, as well as any other confidentiality obligations as required by law.

4. APPROPRIATE RESOURCES

a. The engineering firm must meet the project owner's requirements, as expressed in the request. It must identify the main risk factors that could potentially compromise attainment of the objectives (skills, resources, deadlines, project owner availability, season, etc.).

b. Where an initial scoping exercise is conducted to assess the project context, the engineering firm must propose quantified details of its human, technical and financial resources, commensurate with the key issues and challenges of the project, such that it is able to fully meet the objectives of the mission. It must ensure that the proposed resources, and in particular the resources available to its employees and any subcontractors, are adequate for the objectives of the mission throughout the contractual duration of the study.

c. The engineering firm must make realistic deadlines and objective commitments.

d. The engineering firm must work on each part of the environmental evaluation in accordance with the scale of the project and its likely impact, based on the proportionality principle.

e. Where the engineering firm works on a collaborative basis (consortium or subcontracting*) with other engineering firms or entities, the technical, scientific and financial terms governing the interventions of each firm

*Subcontracting is defined as "an operation by which a contractor assigns, by sub-agreement and under its responsibility, to another person, known as the subcontractor, responsibility for performing all or part of the contractor's contract or part of a public contract signed with the project owner" (article 1 of French Act no. 75-1334 of 31 December 1975 concerning subcontracting).



or entity must be clearly identified and formally set out in a contract, protocol or other document that is legally binding on the engineering firm and the project owner. The technical and scientific terms and procedures must be communicated to the project owner in advance, or during the course of the work where additional, unplanned expert input is required.

f. All subcontracted work must be authenticated, and the names of the authors of such work must be stated in the deliverable document.

g. Where work is conducted by interns or trainees, such individuals must be supervised by an experienced employee of the engineering firm, and the project owner must be clearly notified of this arrangement. Interns or trainees may only perform assistance work.

h. The engineering firm must ensure that it has a sufficient number of available staff assigned to the project, such that the project may be completed effectively and within the contractual deadlines.

5. IDENTIFICATION OF SUITABLE SKILLS

Impact evaluation

the engineering firm must produce a baseline situation analysis, covering the key challenges, issues and impacts associated with the project, and must evaluate changes to the site following completion of the project. The engineering firm must employ the following skills for this purpose.

General environmentalists

a. Ability to conduct cross-functional analyses (interactions and inter-relations between environmental components, including social and societal components where applicable) and summarise.

b. Ability to conduct a holistic analysis of spaces and ecosystems, including interactions between them (initial training and/or continuing professional development, experience).

c. Knowledge of the various themes and the corresponding analysis methods, in order to be able to define, incorporate and verify the services provided by specialists.

d. Ability to communicate, in technical language, with the project designer in order to identify solutions even to minor incidents, where necessary, to propose avoidance, mitigation or compensation measures and, where necessary, an ability to work with the specifications designer to identify these measures and propose a proportionate monitoring mechanism.

e. Ability to evaluate avoidance, mitigation or compensation measures from a technical and financial perspective.

Specialists

f. Knowledge of the relevant themes, according to the project and context concerned (list of themes given in

articles R.122-2 and R.122-5 of the French Environmental Code), based on the proportionality principle.

g. Practical experience, for the theme concerned, of suitable observation, field investigation, inventory, analysis and modelling methods and resources, in order to be able to process and interpret the data and analyse the impacts of the project.

h. Ability to manage geographical information systems, where applicable.

i. In-depth understanding of current and future territorial challenges and issues, according to the resources available during completion of the study, covering both the project scope and major public policy (local, regional, national and European).

Project's contribution to reducing impacts on the environment and human health

The engineering firm conducting the environmental evaluation has a duty to advise and inform the project designers. It must employ the following skills for this purpose.

a. Ability to provide strategic, methodological, expert and decision-making assistance, in conjunction with all project stakeholders (project owner, project manager and contractors).

b. Ability to project into the future ("what could happen?")

c. Ability to understand and apply local knowledge, based on the geographical, social and societal context of the territory concerned by the project.

d. Ability to identify and analyse activities likely to interact with the environment, and knowledge of the impact factors associated with the project concerned (construction and operation), at the relevant scale, and of appropriate mitigation measures.

e. Knowledge of the regulatory context and changes thereto.

f. Knowledge of the best available technologies and the statutory duty to use these technologies in the project concerned.

6. MOBILISATION OF SUITABLE SKILLS

a. The engineering firm must provide evidence of the professional experience and skills held by its employees and subcontractors, where applicable. It must provide up-to-date documentary evidence of the proposed skills.

b. The engineering firm must mobilise suitable skills to complete its mission.

c. The engineering firm must only propose services for which the necessary skills exist or are available within the firm, or any subcontractors it is able to assign to the project.

d. The engineering firm must know when and how to communicate with the stakeholders and the general public, under the authority and on behalf of the project owner.



7. ORGANISATION, PROJECT MANAGEMENT AND QUALITY CONTROL CAPABILITIES

- a.** The engineering firm must have practical project management experience, such that it is able to work effectively with the project owner and coordinate and incorporate the tasks assigned to any subcontractors.
- b.** The engineering firm must define, maintain and enhance the skills of its employees through improvement, training and information activities.
- c.** The engineering firm must ensure that all tools and methods used are up to date, in line with existing guides and protocols recognised by the profession, and must monitor these tools on a regular basis.
- d.** The engineering firm must ensure that the data is retained and remains available until it has been communicated, in full, to the project owner, and for an appropriate period thereafter.
- e.** The engineering firm must ensure that the data is retained and remains available until it has been communicated, in full, to the project owner, and for an appropriate period thereafter.
- f.** The engineering firm must implement suitable quality control measures, commensurate with the issues and challenges associated with its services, throughout the evaluation process. It must also conduct a quality control of the deliverable documents.
- g.** The engineering firm must make every effort to ensure that no information or data can be falsified by its employees or subcontractors.
- h.** All measuring equipment used during the environmental evaluation must be covered by an inspection and maintenance plan, to guarantee its proper operation.

8. RESPONSIBILITY

- a.** The engineering firm undertakes to comply with all laws and regulations governing its activities.
- b.** The engineering firm is bound by a best-efforts obligation, rather than a performance obligation, in its conduct of the environmental evaluation, particularly in terms of securing administrative authorisation, where applicable.
- c.** The engineering firm (and its subcontractors) must be covered by appropriate professional liability insurance policies.
- d.** All opinions, recommendations, measurements and other information issued by the engineering firm are designed to assist the project owners in their decision-making. The engineering firm will only issue recommendations, and will not participate in the decision-making process itself, for which the project owner remains fully responsible.
- e.** The engineering firm will ensure that its subcontractors also agree to abide by the terms of this charter, for example by having its subcontractors sign the charter.



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