

No 512270

FRENCH REPUBLIC

SOLIDEO ALPES 2030 and others

ON BEHALF OF THE FRENCH PEOPLE

Mr Pierre Boussaroque
Reporting Judge (Rapporteur)

The Conseil d'État, ruling as the Supreme Administrative
Court
(Litigation Section, 1st and 4th Chambers combined)

Mr Mathieu Le Coq
Consultant Judge (Rapporteur public)

Based on the report of the 1st Chamber
of the Litigation Section

Session of 25 March 2026
Decision of 03 April 2026

Having regard to the following proceedings:

The Mountain Wilderness association, the ATTAC 05 association, Mr A... B..., Mr C... D..., Ms E... F..., Mr G... H..., Mr I... J..., Mr K... L..., Mr M... N..., Ms O... P... and Ms Q... R... applied to the urgent applications judge at the Marseille Administrative Tribunal, under the provisions of Article L. 521-3 of the French Code of Administrative Justice:

- as their main application, to order the project promoters of the works to be carried out in preparation for the 2030 Olympic and Paralympic Games to refer the matter to the National Commission for Public Debate in the form of an application in accordance with the provisions of Article L. 121-8(I) of the French Environment Code within fifteen days of the decision to be made, subject to a penalty for non-performance of €500 per day of delay;

- in the alternative, to order the project owners of the works to carry out the publication required under the provisions of Article L. 121-8(II) of the French Environment Code and to make known their decision to refer, or not to refer, the matter to the National Commission for Public Debate within fifteen days of the decision to be made, subject to a penalty for non-performance of €500 per day of delay;

- in the further alternative, to order the project owners to implement any other appropriate measures to ensure public participation within fifteen days of the decision to be made, subject to a penalty for non-performance of €500 for each day of delay.

By Order Nos 2514726, 2514734, 2514739, 2514743, 2514751, 2514755 of 26 January 2026, the urgent applications judge ordered the public body “Société de livraison des ouvrages olympiques Alpes 2030” (SOLIDEO Alpes 2030), in respect of projects for which that public body is liable to act as project owner in the context of preparations for the 2030 Olympic and Paralympic Games, to carry out the publication required by Article L. 121-8(II) of the French Environment Code, setting out the objectives and essential characteristics of the works and stating its decision to refer, or not to refer, the decision to carry out those works to the National Commission for Public Debate.

By way of a short-form appeal, a supplementary statement of case and a statement in reply, registered on 4 and 19 February and 18 March 2026, the organisation SOLIDEO Alpes 2030, the Auvergne-Rhône-Alpes Region and the Provence-Alpes-Côte d’Azur Region requested that the Conseil d’État:

(1) quash this order;

(2) dismiss the notice of appeal brought by the Mountain Wilderness association and others;

(3) ruling on the merits of the case under the urgent procedure, dismiss the applications brought before the urgent applications judge at the Marseille Administrative Tribunal;

(4) order the Mountain Wilderness association and others to pay the sum of €6,000 under Article L. 761-1 of the French Code of Administrative Justice.

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Having regard to the other evidence adduced;

Having regard to:

- the French Constitution, in particular its Preamble;
- the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, signed in Aarhus on 25 June 1998;
- the French Environmental Code;
- French Law No 2026-201 of 20 March 2026;
- the French Code of Administrative Justice;

Having heard, in open court:

- the report of Mr Pierre Boussaroque, State Councillor,

- the legal opinion of Mr Mathieu Le Coq, Consultant Judge;

SELAS Froger, Zajdela, counsel for the public body “Société de livraison des jeux olympiques Alpes 2030” and others, and SCP Sevaux, Mathonnet, counsel for the Mountain Wilderness association and others, having addressed the court after the legal opinions;

Having regard to the post-hearing memorandum, registered on 26 March 2026, submitted by the Mountain Wilderness Association and others;

Whereas:

1. The public body “Société de livraison des jeux olympiques Alpes 2030” (SOLIDEO Alpes 2030), the Auvergne-Rhône-Alpes region and the Provence-Alpes-Côte d’Azur region lodged an appeal on points of law against the order of 26 January 2026 by which the urgent applications judge at Marseille Administrative Tribunal, under the provisions Article L. 521-3 of the French Code of Administrative Justice, ordered that public body, “in respect of projects for which it is liable to act as project owner, in the context of preparations for the 2030 Olympic and Paralympic Games”, to carry out the publication required by the provisions of Article L. 121-8(II) of the French Environment Code, stating the objectives and essential characteristics of the works to be carried out and indicating its decision to refer, or not to refer, the project for the construction of these works to the National Commission for Public Debate. By way of a cross-appeal on points of law, the Mountain Wilderness association and others sought the quashing of this order in so far as it dismisses their submissions seeking an order, subject to a penalty for non-performance, requiring the project owners of the works to be carried out with a view to hosting the 2030 Olympic and Paralympic Games to refer the matter to the National Commission for Public Debate and to send it a file pursuant to the provisions of the same Article L. 121-8(I) of the French Environment Code.

On the intervention of the 2030 French Alps Olympic and Paralympic Games Organising Committee:

2. The 2030 French Alps Olympic and Paralympic Games Organising Committee has sufficient interest in the quashing of the challenged order. Its intervention is therefore admissible.

Concerning the notices of appeal:

3. Article 521-3 of the French Code of Administrative Justice provides as follows: *“In urgent cases and upon simple request, which shall be admissible even in the absence of a prior administrative decision, the urgent applications judge may order all other useful measures without obstructing the execution of any administrative decision.”*

4. Where an application is brought under the provisions of Article L. 521-3 which is not manifestly incapable of being linked to a dispute falling within the jurisdiction of

the administrative tribunals and courts, the urgent applications judge may order, as a precautionary or provisional measure, any measures warranted by the urgency of the matter, notably in the form of injunctions addressed to the administrative authorities, provided that such measures are appropriate and are not subject to any serious challenge.

5. Article L. 222-1 of the French Environment Code provides as follows: *“Chapter I of this Title applies to public participation prior to the submission of an application for authorisation of a project as defined in Article L. 122-1 (...) until the commencement of the public enquiry or any other form of public participation provided for in Chapter III of this Title. / This prior involvement relates to the following procedures: / 1° Public debate and prior consultation falling within the remit of the National Commission for Public Debate pursuant to Article L. 121-8 (...).”*

6. Article L. 121-1(I) of the French Environment Code provides as follows: *“The National Commission for Public Debate, an independent administrative authority, is responsible for ensuring that the public is involved in the process of drawing up development or infrastructure projects of national interest undertaken by the State, local authorities, public bodies and private individuals, falling within the categories of projects referred to in Article L. 121-8, the list of which is laid down by Decree, provided that they involve major socio-economic issues or have significant impacts on the environment or on regional planning. / (...) The National Commission for Public Debate may decide to organise a public debate or a prior consultation to discuss the appropriateness, objectives and main features of the project (...), the socio-economic issues associated with it, and its significant impacts on the environment and on regional planning. This debate or consultation makes it possible, where appropriate, to discuss alternative solutions, including, in the case of a project, the option of not proceeding with it (...).”* Article L. 121-8 of this same Code provides that: *“I. – The National Commission for Public Debate is responsible for reviewing all development or infrastructure projects which, by their nature, technical characteristics or estimated cost – as assessed during the planning phase – meet certain criteria or exceed thresholds set by Decree. / For such projects, the project owner(s) shall submit an application to the Commission describing the objectives and main characteristics of the project, as defined in Article L. 122-1, together with the facilities that are being created or developed to serve it. It shall also set out the project’s key socio-economic issues, its estimated cost, any significant impacts on the environment or on regional planning that have been identified, and a description of the various alternative solutions, including the option of not proceeding with the project. Where a project involves several project owners, they should refer the matter jointly to Commission. / II. – Projects falling within the categories defined in accordance with I but whose estimated cost is below the threshold set pursuant to I, and which meet technical criteria or exceed thresholds set by Decree for each type of project, shall be made public by their project owner, who shall publish the project’s objectives and key characteristics and state whether or not they intend to refer the matter to the National Commission for Public Debate. It shall also specify the consultation procedures which it undertakes to follow in the event that the matter is not referred to the Commission. It shall inform the National Commission for Public Debate accordingly. (...) / For such projects, the Commission may be seised by: / 1° Ten thousand adult nationals of the European Union residing in France; / 2° Ten Members of Parliament; / 3° A regional council, a departmental council, a municipal council or a public inter-municipal cooperation body with responsibility for regional planning, with a territorial interest in the matter; / 4° An association approved at national level pursuant to Article L. 141-1. / Such referral, together with the grounds for the request, shall be made within two months of the date on which such projects are made public by the project owner. / “The project owner shall submit to the National Commission for Public Debate a file*

drawn up in accordance with the second paragraph of I (...).” The list of categories of operations relating to development or infrastructure projects which are automatically referred to the National Commission for Public Debate pursuant to Article L. 121-8, and those relating to development or infrastructure projects made public pursuant to Article L. 121-8(II), is set out in a table appearing in Article R. 121-2 of the same Code, which includes, in particular, “*cultural, sporting, scientific or tourist facilities*”, in accordance with the thresholds and criteria set out therein.

7. Finally, Article L. 122-1(I)(1°) of the French Environment Code, to which the provisions of Articles L. 121-1-A and L. 121-8 of the same Code, cited in the preceding points, refer, defines a “*project*” as “*the carrying out of construction works, installations or structures, or other interventions in the natural environment or landscape, including those intended for the exploitation of soil resources*”.

8. The evidence submitted to the urgent applications judge, notably the “preferred scheme of works” approved by the decision of the board of directors of SOLIDEO Alpes 2030 on 4 December 2025, shows that the organisation of the 2030 Olympic and Paralympic Games will require the completion of works, the construction of infrastructure and the development of facilities intended, in particular, to ensure access to the Olympic and Paralympic sites, the accommodation of competitors and the holding of competitions. It follows from the terms of the challenged order that, in ordering SOLIDEO Alpes 2030 to carry out the publication required by Article L. 121-8(II) of the French Environment Code in respect of all these works, structures and developments, but without ordering it to refer the matter to the National Commission for Public Debate under the provisions of Article L. 121-8(I), the urgent applications judge at the Marseille Administrative Tribunal, on the one hand, held that all these works, structures and developments constituted a single project but, on the other hand, assessed whether the thresholds set out in the table in Article R. 121-2 of the same Code had been exceeded by taking account of only those works, structures and developments for which SOLIDEO Alpes 2030 was envisaged to act as project owner.

9. On the one hand, it follows from the provisions cited in points 5 to 7 that the urgent applications judge erred in law by relying on the fact that all of the works were intended to fulfil the commitments made under the “Olympic Host Contract” – concluded between the International Olympic Committee, the French National Olympic and Sports Committee, the Auvergne-Rhône-Alpes Region and the Provence-Alpes-Côte d’Azur Region, with a view to the organisation of the 2030 Olympic and Paralympic Games – in order to hold that all of the works, structures and developments referred to in point 8 together constituted a single project, and to infer from this finding that SOLIDEO Alpes 2030 was required to carry out, in respect of that project, the publication required by Article L. 121-8(II) of the French Environment Code. The mere fact that all of these works contribute to the staging of the Olympic and Paralympic Games cannot, in itself, confer on the whole comprising them the status of a single development or infrastructure project within the meaning of Article L. 121-8, as argued by SOLIDEO Alpes 2030 and the Auvergne-Rhône-Alpes and Provence-Alpes-Côte d’Azur Regions in support of the main appeal.

10. On the other hand, it follows from the same provisions that, by taking account, when assessing whether the thresholds set out in the table in Article R. 121-1 of the French Environment Code were exceeded, of only those works, structures and developments for which SOLIDEO Alpes 2030 is envisaged as the project owner, whereas it follows from the very

wording of Article L. 121-8 of that Code that a single development or infrastructure project may fall under the responsibility of several project owners, who will then be jointly responsible for fulfilling the formalities laid down in that article, the urgent applications judge, as submitted by the Mountain Wilderness association and others in support of their notice of appeal, committed a further error of law.

11. It follows from the foregoing, without it being necessary to seek a ruling on the other grounds of the main notice of appeal, that the challenged order must be quashed, except insofar as it holds that there are no grounds for referring to the Conseil d'État the priority preliminary ruling on an issue of constitutionality raised by the applicants at first instance.

12. In the circumstances of this case, there are grounds for ruling on the applications to the urgent applications judge pursuant to Article L. 821-2 of the French Code of Administrative Justice.

On the application insofar as it seeks the implementation of the provisions of Article L. 121-8 of the French Environment Code:

13. The preparatory stages show that the organisation of the 2030 Olympic and Paralympic Games will require the completion of works, structures and developments serving purposes such as access to the Olympic and Paralympic sites, the accommodation of competitors and the holding of competitions, spread across at least fourteen sites in four different geographical areas ("Haute-Savoie", "Savoie", "Briançonnais" and "Nice"). Having regard both to their diverse nature and their geographical distance from one another, these various works, structures and developments – which, as shown by the preparatory stages, even though they will contribute to the organisation of the 2030 Olympic and Paralympic Games, will mostly result in facilities capable of being used independently – cannot be regarded as being interlinked to the extent that they would correspond to the splitting of a single development or infrastructure project within the meaning of the provisions of Article L. 121-8 of the French Environment Code. The submissions of the Mountain Wilderness association and others, seeking an order requiring the project owners to refer such a project to the National Commission for Public Debate pursuant to Article L. 121-8(I) of the French Environment Code, or to carry out its publication under the conditions laid down in Article L. 121-8(II), must therefore, in any event, be regarded, on that ground, as being subject to a serious challenge within the meaning of Article L. 521-3 of the French Code of Administrative Justice.

Regarding the application insofar as it seeks, in the alternative, the implementation of "any other appropriate measure useful for public participation":

14. Under Article 6 of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters: *"1. Each Party: / (a) shall apply the provisions of this article with respect to decisions on whether to permit proposed activities listed in annex I; / b) shall, in accordance with its national law, also apply the provisions of this article to decisions on proposed activities not listed in annex I which may have a significant effect on the environment. To this end, Parties shall determine whether such a proposed activity is subject to these provisions (...). / 2. The public concerned shall be informed, either by public notice or individually as appropriate, early in an environmental decision-making procedure, and in an adequate, timely and effective manner. (...) / 4. Each*

Party shall provide for early public participation, when all options are open and effective public participation can take place.(...).”

15. While the Mountain Wilderness association and others rely on the stipulations of Article 6(4) of the Aarhus Convention, cited in the previous point, in submitting that they entail public participation in the decision-making process which they consider to be underway in relation to all the works, structures and developments envisaged in connection with the organisation of the 2030 Olympic and Paralympic Games, they do not establish, nor even allege, that those works, structures and developments, taken as a whole, would be counted among the activities listed in Annex I to that Convention, whereas, moreover, those stipulations do not require public participation to take place prior to the submission of an application for authorisation, at a stage when the decision-making process cannot be regarded as having commenced. Nor can the Mountain Wilderness association and others rely, in support of their claim, on the provisions of Article 7 of the French Environmental Charter, since the legislator has intervened, notably through the provisions of Articles L. 120-1 and seq. of the French Environment Code and Article 18 of the Law of 20 March 2026 on the organisation of the 2030 Olympic and Paralympic Games, to specify the conditions and limits within which the principle of public participation defined in Article 7 applies, notably to decisions having an impact on the environment relating to projects involving works, structures or developments. In these circumstances, the submissions seeking, in the alternative, an order requiring the project owners to “implement any other measure useful for public participation” must also, in any event, be regarded as being subject to a serious challenge within the meaning of Article L. 521-3 of the French Code of Administrative Justice.

16. It follows from the foregoing that, without it being necessary to rule on their admissibility or on the other conditions for the application of the provisions of Article L. 521-3 of the French Code of Administrative Justice, the applications brought before the urgent applications judge at Marseille Administrative Tribunal must be dismissed.

Concerning the costs of the proceedings:

17. Under the circumstances of this case, there is no reason to order the Mountain Wilderness association and the other applicants at first instance to pay the sum claimed by SOLIDEO Alpes 2030 and others under Article L. 761-1 of the French Code of Administrative Justice. Furthermore, the provisions of that article preclude the sum claimed, on the same basis, by the Mountain Wilderness association and others from being awarded against SOLIDEO Alpes 2030 and the Provence-Alpes-Côte d’Azur and Auvergne-Rhône-Alpes regions, which are not the losing parties in these proceedings.

OPERATIVE PROVISIONS:

Article 1: The intervention of the 2030 French Alps Olympic and Paralympic Games Organising Committee is admitted.

Article 2: The Order of 26 January 2026 of the urgent applications judge at Marseille Administrative Tribunal is quashed, except in so far as it dismisses the submissions seeking the

referral to the Conseil d'État of the priority preliminary ruling on an issue of constitutionality raised by the Mountain Wilderness association and others.

Article 3: The applications brought by the Mountain Wilderness association and others before Marseille Administrative Tribunal are dismissed.

Article 4: The parties' submissions, made under Article L.761-1 of the French Code of Administrative Justice, both before Marseille Administrative Tribunal and before the Conseil d'État, are dismissed.

Article 5: This decision shall be notified to SOLIDEO Alpes 2030, the body named as first applicant for all three applicants, to the Mountain Wilderness association, named as first defendant for the defendants, and to the 2030 French Alps Olympic and Paralympic Games Organising Committee association.

A copy shall be sent to the French Prime Minister, the Minister for Ecological Transition, Biodiversity and International Climate and Nature Negotiations, the Minister for Sport, Youth and Community Life, and the French National Olympic and Sports Committee.