



PRESS RELEASE

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COMMUNICATION TO THE NATIONAL ASSEMBLY PUBLIC POLICY EVALUATION AND AUDIT COMMITTEE

CLAY SOILS AND NATURAL DISASTERS

Sharply increasing damage and an unsuitable prevention and compensation regime

The shrinkage-swelling of clay soils, or the shrink-swell phenomenon, consists of a series of movements caused by variations in the water content of clay soils. Known in France for more than 30 years, it has damaging consequences for housing that give rise to compensation, included since 1989 in the natural disaster regime, known as “Cat Nat”. This phenomenon has attracted recent attention from the public authorities due to the growing magnitude of the risk and the related claims and also because of the increase in dissatisfaction expressed by the exposed populations. Referred to by the National Assembly Public Policy Evaluation and Audit Committee concerning the prevention and compensation of damage caused by the shrink-swell phenomenon, the Court of Accounts conducted an investigation taking into account the history of the issue and above all, more recent parliamentary and administrative work. The report that is being published today shows that as the phenomenon is evolving, its management is increasingly being called into question. In view of this situation, the Court recommends promoting preventive measures and reconsidering the compensation regime.

A long-standing phenomenon, with compensation included in the natural disaster regime

The shrink-swell phenomenon is the result of the combination of a geotechnical situation and a series of climatic episodes: on certain clay soils, a series of wetting periods and drying periods can cause damage to buildings. The Court notes that the implementation of preventive measures was delayed and remains insufficient today. Knowledge of the phenomenon, although long-standing, was not accompanied by any effective prevention policy until the entry into force of the French Act of 23 November 2018, known as the ÉLAN Act, which set out construction rules for high-risk areas.

A foreseeable increase in the shrink-swell phenomenon, with an increasingly contested management strategy

Taking into account the reasoning and recommendations formulated last March by the General Council for the Environment and Sustainable Development (CGEDD), the General Inspectorate of Finance (IGF) and the General Administration Inspectorate (IGA), the Court analysed the strengths and weaknesses of the compensation regime. Integrated into the

natural disaster regime, the current rules would be sustainable if the damage caused by the shrinkage-swelling of clay soils was, in the medium term, constant in terms of its frequency, severity and financial impact. However, the extent of the effects of climate change and the various forecasts and projections made, in particular by the french public reinsurance group (CCR) and the French Insurance Federation (FFA), show that this is not the case. Indeed, since 1989, the shrinkage-swelling of clay soils has accounted for 36% of the claims observed for natural disasters and half of the most expensive events recorded over the same period. Originally limited to certain regions, it now affects all areas of metropolitan France and more than half of the stock of single-family homes. All of the studies undertaken recognise that the costs associated with the shrink-swell phenomenon will increase sharply over the next 30 years.

A more appropriate prevention and compensation system is needed

Based on the natural disaster regime, the compensation mechanism for damage linked to the shrink-swell phenomenon is currently reaching its limits and should lead the public authorities to question its very classification as a natural disaster. The spread of the phenomenon across metropolitan France, its intensity and its social and financial consequences require that the responses provided by the public authorities be adapted. In this report, the Court's recommendations focus on informing purchasers of potentially exposed properties, monitoring the effective implementation of the construction provisions in the Élan Act and, for buildings built before 2020, developing research into effective remedial measures. The Court believes that if compensation continues to fall under the natural disaster regime, significant changes will need to be considered, following thorough impact assessments.

[Read the report](#)

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