

HEADLINE - PROPOSAL FOR A LAW ON DUE DILIGENCE

On November 30, 2016, the draft law relating to due diligence of the ordering companies was transmitted to the Senate for study. Marked by the collapse of the Rana Plaza in April 2013 causing the death of 1,127 people, MPs wanted to empower the companies ordering.

This draft law stipulates an obligation for large companies established in France to draw up and implement a vigilance plan containing "reasonable vigilance" measures to identify and prevent human rights abuses and Fundamental freedoms as well as serious bodily or environmental damage or health risks arising from the activities of the companies they control or the subcontractors and suppliers with which these companies have commercial relations.

This plan should be made public and included in the company's annual reports. It should include measures such as country-by-country risk mapping, contractualisation of corporate social responsibility (CSR) obligations, alerting procedure and protection measures for warning alerters and social and environmental audits at all levels Of the production chain. The Senate wants to reduce the sanctions and application criteria.

AGRICULTURE – THE AGRICULTURAL DATA CENTER

Since December 2016, the company of Grand Paris hosts an agricultural data center. The objective is to grow vegetables by the heat generated by the data center that will feed the greenhouse.

Dual stake for the company, allow the production and distribution of agricultural products in mainland France while integrating data centers in the urban environment.

The adoption of urban agriculture would enhance the image of data centers which are major consumers of energy. Today, 140 French data centers consume more than 8% of the national electricity production. In the second arrondissement of Paris, the presence of a data center represents a constant nuisance for local residents who complain about noise.

With the increase in personal data and that of Internet users estimated at 4 billion within a year, data centers are essential for economic development. Their necessity can not be called into question. Other projects emerge, to recover the heat emitted by the data centers to heat the social housing or swimming pools.

ANIMALS – THE LEGAL SLAUGHTER OF WOLVES IN FRANCE

On 30 June 2015, two orders were issued to determine the firing conditions and the number of wolves killed each year. First of all, it must be remembered that the wolf is a protected species in France, although too often the victim of a prefectural derogation authorizing their killing, even though it is already suffering from poaching and other poisoning.

For the period 2015-2016, the number of individuals to be killed has increased from 24 to 36 even though the wolf population is declining. Moreover, these decrees seem to be in total disagreement with the will of the citizens, since an FIFG survey carried out at the end of 2013 proves that 80% of the French are strongly opposed to its eradication.

As of 15 October 2016, about ten wolves were slaughtered in the Alps when no herds were found there, and there was therefore no risk for them.

On 8 September 2016, the FNE, Humanité & Biodiversité and the League for the Protection of Birds filed a complaint with the Conseil d'État, considering that these new ceilings are disproportionate and that they contravene the protection of this species.



POLLUTION - IMPROVING AIR QUALITY

On 23 November 2016, the European Parliament adopted new emission thresholds in order to improve air quality. Although the figures seem to show a slight improvement in air quality in Europe, the European Environment Agency (EEA) estimates, however, at 436 000 per year, the number of deaths due to air pollution The year 2013 in the European Union, and almost 467 000 taking into account the 41 countries of Europe.

Today, air quality is a real public health issue, prompting the European institutions to take certain measures. Therefore, following an agreement between the European Commission and the Council, Parliament has adopted measures to reduce air pollution by 50% by 2030. The measures adopted by Parliament are Therefore replace Directive 2008/81 / EC. However, the question remains whether these new thresholds will actually be applied. The European Environment Agency considers that between 2010 and 2014, almost 10 countries of the Union would exceed at least one of the emission ceilings fixed by the old applicable directive.



JURISPRUDENCE

Judgment of the Court of the European Union of 15 December 2016:

On Thursday 15 December 2016, the Court of the European Union (TEU) confirms the legality of a marketing authorization for products containing genetically modified soya beans issued in 2012 for the benefit of Monsanto Europe.

This authorization, granted by the European Commission in June 2012, concerned foodstuffs, food ingredients and animal feed containing genetically modified soybeans. The assessment of the potential toxicity and the allergenic risk of the GMO was assessed and would not present a danger according to the European Commission. Today, the Tribunal of the Union joins the latter by recognizing the legality of marketing authorization.

Judgment of the Court of Appeal of Rennes of 9 December 2016:

The Court of Appeal of Rennes, in its judgment of 9 December 2016, ordered Total Raffinage Marketing to pay the sum of 80 000 euros to the League for the Protection of Birds for Pollution of the Loire by the Donges Refinery in March 2008 .

The judges of the Court of Appeal acknowledged the ecological harm and justified their decision by the fact that there was "a non-negligible attack on the poultry fauna for two years"

Following the Erika decision, this decision is another victory for the LPO.



ENERGY – CREATION OF "RESEAU DE CHALEUR" FOR MUNICIPALITIES IN FRANCE

On December 9, 2016, Minister of the Environment Segolene Royal announced the launch of a call for mobilization of municipalities without a heat network and wishing to develop them. This concerns more than 10,000 inhabitants. The association Amorce, constituting the first French network of information, and accompanying local authorities and other actors in the field of energy-climate policies of territories and territorial waste management, welcomed the announcement of the minister.

Indeed, heating networks cover only 6% of heating requirements in France. According to the association. "The projects remain insufficient to reach the objective of multiplying the amount of renewable heat and cooling in 2030" The association pleads notably for "aid of the Chaleur Fund" launched in 2009 and managed by the Agence de l' Environment and Energy Management (Ademe). Chaleur Fund support would amount to 3 € / MWh (megawatt-hours) over the duration of the concession of a heat network, ten times less than public support for renewable electricity, according to the Amorce association. The Minister highlighted "the success of the Chaleur Fund", which made it possible, between 2009 and 2015, to finance 660 projects to develop the heat networks. In 2016, other heat networks were accompanied by the Chaleur Fund, notably in Dunkerque or Toulouse. The overall investment was more than 35 million euros.



TRANSPORT – THE RETURN OF THE ECOTAX

The Alsace Nature association referred the matter to the Conseil d'État by requesting the application of Article 153 of the 2009 budget law on the environmental tax. Following this referral, the Council of State, on the advice of its public rapporteur, requested on 5 December 2016 the Government to issue a decree fixing the date of implementation of the eco-tax heavyweights.



The implementation of this law was postponed after demonstrations in particular of the red caps in Brittany opposing the implementation of the device allowing the collection of this tax (portico ecotaxe). The Government had therefore decided to postpone the introduction of the tax collection scheme but was legally obliged to implement it insofar as this provision had not been repealed.

MEPs decided to abolish the environmental tax legislation on 18 November 2016 by an amendment in the draft finance law for 2017. However, this procedure to repeal the legislative provision is still ongoing and has not yet reached at the time of the Council of State's decision. The Government therefore remains under an obligation to enforce it and to make the order.



RENEWABLE ENERGIES – THE TOTAL SUEZ PARTNERSHIP: THE TRANSFORMATION OF EDIBLE OILS INTO BIOFUEL

A growing demand for biofuel has prompted the French oil giant to transform its Mede site. This transformation will result from a partnership signed with Suez which will commit to supply Total over ten years more than 20,000 tons of used food oils to manufacture bio fuel. Suez will deploy a collection system that will be adapted to all types of production, both individuals and agro-food industries.

In France, 100 000 tonnes of oil are recoverable each year, and only 45 000 tonnes are recycled. The agreement between Total and Suez will increase the recovery of 20% in order to redouble biofuel production in France.

The bio refinery is a method of recovering used oils, residual and vegetable oils. For Total, this investment will save sites and retain a significant portion of the workforce.

The production of a biodiesel is denounced by certain ecological movements, who report that this would initially divert the land from its agricultural purpose, and promote "dedicated crops". Total is thus suspected of using several thousand tons of palm oils whose manufacture is very harmful for the environment.