



# PRESS'ENVIRONNEMENT

N°215 – Tuesday March 7th, 2017 By Agathe MENARD, Jean-Baptiste DOAZAN, Chancia PLAINE [www.juristes-environnement.com](http://www.juristes-environnement.com)

## HEADLINE – FRENCH LAW ON DUE DILIGENCE OF VIGILANCE OF MULTINATIONALS FINALLY VOTED

On February 21st, the National Assembly passed the law on the duty of vigilance of parent companies and promoters. Socialist MEP Dominique Potier, who is also the rapporteur for the bill, welcomed such an adoption because it took four years to draft the law. French companies now set up should now have a vigilance plan in place to prevent environmental and human rights violations by their subsidiaries, otherwise they would incur a fine of 10 million euros. The Senate rejected the bill at the beginning of February and will soon appeal to the Constitutional Council to question the value of the entire text or any part of it. More information will be available at the end of March.



## JURISPRUDENCE – QUOTAS GES: ACCURACY ON THE VALIDITY OF CO2 DEDUCTIONS

The Court of Justice of the European Union (CJEU) hereby declares invalid Article 49 (1) (2) and Annex V. point 10.B of Regulation (EU) No 601/2005 by a German question referred for a preliminary ruling Of 21 June 2012 on the monitoring and reporting of greenhouse gas (GHG) emissions under Directive 2003/87 / EC, in a judgment of 19 January 2017. It therefore states that the CO2 Is not emitted into the atmosphere shall not be taken into account in the emissions to be reported by facilities subject to the GHG quota system. In this case, the share of CO2 emissions from a lime-burning facility (subject to GHG quotas) transferred to another non-quota facility for the production of precipitated calcium carbonate (CCP), which Is not released to the atmosphere, shall not be included in the total emissions to be reported by the first facility. The CJEU decided that the Commission, by adopting Regulation No 601/2012, amended an essential element of the 2003 directive defining a GHG 'emission' as the discharge into the atmosphere of GHGs.



## POLLUTION - CAR HUNTING IN MADRID



From February 13 to 19, the 2.7 million people of Madrid over 16 years old were invited by the city to vote on several reforms aimed at promoting clean energy, walking, cycling and public transport. These measures will certainly not be enough, but it is necessary to take action and show the way, after having been minimized for a long time. It is a revolution in a city long dedicated to the cult of the car, favored by the development of large touring infrastructures such as traffic rings without lights, fast lanes or tunnels. Behind these questions posed to the inhabitants, the municipality intends above all to encourage a debate and a change of mentality before going further. The city has already applied differentiated parking rates based on the degree of pollution of vehicles, increased taxes for high-end and large-displacement vehicles, and the city council has an "air quality" plan to drastically Traffic.



## WASTE - POLLUTION OF OCEANS, STATION TO MICROPARTICLES



On 23 February, the UN environment launched a global campaign to eradicate plastic waste polluting the oceans by 2022, targeting in particular microplastics in cosmetics and the excessive use of disposable plastic . France had anticipated this call, through the laws on energy transition, and biodiversity, prohibiting single-use plastic bags, as well as polyethylene microbeads in certain cosmetic products, but also cotton-stick plastic sticks. But will these measures, even on a large scale, be sufficient? A report by the International Union for Conservation of Nature (IUCN) alerts that between 15 and 31 per cent of the plastic waste spilled each year is composed of invisible microparticles present in tires and synthetic garments, exceeding in some developed countries North America and Europe, the production of plastic waste, which is effectively managed. Beyond state initiatives, this problem calls for innovations by manufacturers, to make their products less polluting, and a reduction in their share, or even eventual termination, of the use of plastics.

## **WIND – REJECTION OF A WIND POWER PROJECT IN THE REGION ON THE COMMUNES OF HERICOURT AND ECOIVRES**

A recent judgment of the Conseil d'Etat has confirmed a judgment of the Administrative Court of Lille in February 2014 which had estimated the existence of "the effect of visual saturation linked to the concentration of many wind turbines in the same geographical area". The Council of State has validated the conclusions of the rapporteur, who retained that "machines with a height of 150 meters at the end of pales, would be visible. Despite the vegetation, the castle and the wind turbines will be in a position of covisibility from the departmental road 102 ". This refusal by the Conseil d'Etat is based on the incompatibility of the project with the environmental and landscape issues of the location of the project in question.

## **BIODIVERSITY - CREATION OF A REGIONAL AGENCY FOR BIODIVERSITY IN ILE-DE-FRANCE**

With a view to the next launch of the Green Plan 2017-2021 during the deliberation at the Regional Council on 9 and 10 March 2017, the Ile-de-France region announced the creation of a regional agency for biodiversity in the " Spirit of the French Agency for Biodiversity created in January 2017.

This future regional agency will aim to develop the green areas of the Ile-de-France region and to enhance the place of the plant. In other words, by helping to green the urban green areas and those close to the roads. A budget of € 5 million has already been allocated for the implementation of green projects in the various municipalities of the region.

Individuals producing their own electricity are not new in France ... but it is a rarer thing for these individuals to consume the electricity they produce, since the resale of all electricity is the Up to now, due to legal and technical barriers to connection to the public electricity grid and favorable feed-in tariffs. However, with the decline in photovoltaic panels costs and the rise in electricity prices, conditions are in place to encourage self-consumption on a large scale. Thus, after two ordinances no 2016-1019 of 27 July 2016 and no 2016-1059 of 3 August 2016, which oblige power grid operators in particular to facilitate self-consumption operations, give a definition of collective self-consumption operations, And a tariff for the use of specific public electricity networks, a bill on the development of self-consumption, ratifying these provisions, was adopted by the senate on 15 February after the approval of the national assembly. The text should be promulgated quickly, and electrical self-sufficiency, become a concrete option for those who aspire to it.

## **RESPONSIBLE CONSUMPTION - GERMANY: MEAT AND FISH BANNIS FROM THE MENU TO THE MINISTRY OF THE ENVIRONMENT**

The environmental impact of meat and fish production is notorious. Concerning the first, livestock farming accounts for 14.5% of greenhouse gas emissions (9.3% for cattle alone), according to FAO. For the latter, overfishing jeopardizes the stocks of greenhouse gases, Wildlife, and aquaculture, in addition to the potential for pollution, due to its massive use of antibiotics, antifungals, and pesticides, then released into the water, promotes the over-exploitation of "forage fish" stocks ( Anchovies, sardines, blue whiting ...), at the expense of their natural predators, endangering part of the marine ecosystem. In order to set an example, German Environment Minister Barbara Hendricks has decided that meat and fish will no longer appear on the official luncheon menu of the ministry, giving priority to local seasonal vegetables , And biological. While this symbolic measure is not unanimous within the German executive, attracting in particular the wrath of the Minister for the Environment, and that its direct impact on global warming will be limited, it has the merit To draw citizens' attention to the environmental consequences of their eating habits.

## **ENERGY - THE ELECTRIC BIKE BONUS**



This Saturday, February 18, the French state decided to grant a 200 euro aid, until 31 January 2018, for the purchase of an electrically assisted bicycle. This aid concerns' the acquisition of power-assisted pedal cycles which do not use a lead-acid battery and for the acquisition or rental of two- or three-wheel motor vehicles and electric motor quadricycles with a maximum power of Of the engine less than 3kW and not using a lead-acid battery ". Thus this measure also applies to electric scooters, hoverborads and other gyropods under the conditions to use any battery other than that with lead. This aid is 'attributed to any major natural person who has proof of domicile in France or to any legal entity justifying an establishment in France and to any administration of the State'. The modalities of this device are not fully defined and there are still some areas of shadows. For example, to be subsidized, buyers will have to submit their invoice to the Agency for Services and Payments. It is stated that a natural person "can benefit only once". But nothing is stated concerning the equipment of an entire family