

HEADLINE – FIRST NEWS OF THE ONE PLANET SUMMIT

Two years after the Paris Agreement on Climate change, the One Planet summit has been held on December 12, 2017 at the Seine Musicale. Beside Jim Yong Kim, president of the world bank group, and Antonio Guterres, the UN Secretary General, Emmanuel Macron, President of France, wished to address with concrete actions the ecological emergency our planet is facing. By way of concrete actions there are those of the World Bank, cohost of the summit, which agreed to stop financing oil and gas exploitation starting from 2019. Several economics actors also took advantage of this event to make announcements on the subject, such as AXA which declared it will disinvest €2,4 billions of its assets in coal.

CLIMATE – FINANCE AND COMPANIES AT THE PLANET'S BEDSIDE

Bankers and energy-specialists increase the announcements aiming to limit the CO2 emissions.

The corporate and finance world is standing up for the planet. « Finally, we are able to reconcile economy and ecology, two words with the same root », congratulated Nicolas Hulot, the french Minister of the Ecological and Solidarity Transition, at the opening of Climate Finance Day 3rd edition, which gathered more than 1000 participants on Monday December 11 at Bercy. At the same time, the environment's advocate insisted on the climate emergency, the systemic risks caused by global warming, natural catastrophes with a high economic and human costs that exacerbate poverty and inequalities and trigger conflicts.

The Paris Agreement had opened a whole new world. "We will gradually but inexorably need to detoxify fossil fuels," pleaded Nicolas Hulot. The other priority is to invest in ecosystem restoration that will help capture carbon. The Minister calls for a mobilization of public and private resources.

Asset managers, pension funds, bankers and insurers presented their climate risk strategies, explaining how they gradually turn their backs on the most polluting energies and invest in the energy transition.

ENVIRONMENT – PESTICIDES : EUROPE DIVIDED ON THE GLYPHOSATE ISSUE

It has been almost two years since the glyphosate issue divides the European Union. Scientific studies about the impact of the herbicidal substance glyphosate on the occurrence of cancer show dissension. Indeed, if in March 2015, the International Agency for Research on Cancer (IARC) of the WHO (World Health Organization) has classified this substance as probably carcinogenic to humans, the European Chemicals Agency (Echa) does not share this opinion. While relying on its agencies, the European Commission has therefore, proposed to renew the marketing authorization of the herbicide for another 10 years. However, recent new work challenges the evaluation of European agencies. Thus, the Member States had to decide on the case of glyphosate against the backdrop of the questioning of the European procedures for the approval of substances. However, no qualified majority has emerged for two years. It was only on November 27, 2017 that the Commission's proposal for a 5-year re-registration of the substance was approved by the States, meeting in appeal committee. The European Commission has therefore finally published the Regulations on December 16, 2017 in the Official Journal of the EU, renewing the substance until December 15, 2022. However, France has opposed it and wants to ban glyphosate no later than three years from now, as soon as solutions have been found.

HEALTH – THE EU ADOPTED A DEFINITION OF HORMONE DISRUPTOR

On Wednesday December 13 2017, EU Member States adopted a new version of the criteria for the identification of hormone disruptors, the first version of which was widely criticized by MEPs and NGOs. Present in many products of the everyday life, hormone disruptors can act on the hormonal system and be at the origin of dysfunctions like obesity, infertility or congenital malformations. Thus, to be identified as a hormone disruptor, a pesticide will have to meet three criteria. First of all, the pesticide must produce a negative effect, then it must have a mode of action that alters the functions of the hormonal system. Finally, it will be necessary to show that this negative effect is a direct consequence of this mode of action. Once in force, the new text should facilitate the withdrawal from the market of any substance used in pesticides and identified as a hormone disruptor for humans or animals. However, NGOs remain skeptical about the very high burden of proof required by these criteria. Indeed, it will be necessary not only to demonstrate that the substance is a hormone disruptor and that it has negative effects, but also the mode of action by which the endocrine disruptor creates these negative effects. Industry can defend itself by arguing that these modes of action are not known so that the substance won't be prohibited.

Conseil d'Etat, Ass., 8 déc. 2017, n° 404391

Clarification on the principle of non-regression in environmental matters.

The principle of non-regression provided for in Article L. 110-1 of the French Environmental Code provides that the protection of the environment can only be subject to constant improvement.

By this decision of December 8, the Council of State (*Conseil d'Etat*) specifies the contours of this principle. Thus, he asserts that the fact that projects are exempted from environmental assessment, when they were submitted in a systematic manner or on a case-by-case basis, does not necessarily result in a violation of the principle of non-regression.

According to the Council of State, « a regulation subjecting certain types of projects to the obligation to do an environmental assessment after a case-by-case examination carried out by the environmental authority, when they were previously among those with a systematic environmental assessment, does not ignore the principle of non-regression of the protection of the environment since, in both cases, the projects are likely to have significant effects on the environment must be subject to an environmental assessment pursuant to Article L. 122-1 of the French Environmental Code. »

However, « a regulation exempting from environmental assessment a type of project previously subjected to this obligation is consistent with the principle of non-regression » only if the project « in view of its nature, dimensions and its location and the current scientific and technical knowledge is not likely to have a significant impact on the environment or human health ».

 **TRANSPORTS – THE MINISTRY OF TRANSPORTS ANNOUNCES THE LAUNCH OF A BICYCLE PLAN**



France will have a real policy in favor of cycling. This is what Elisabeth Borne announced at the end of the Assises de la mobilité. This new bike plan aims to address all aspects of the subject: public health, infrastructure, education, taxation ... An indispensable approach when one knows the deficiencies and needs in the matter, which appear to be multiple. Elisabeth Borne told the press different subjects that will constitute this plan. In particular, she mentioned the reinstatement of the VAE purchase bonus in the 2018 budget law. A recovery that had been described as « tinkering » by the Club des Villes et Territoires cyclables. The Minister also confirmed the ongoing work on the kilometeric bike allowance. The latter is currently optional and only concerns private employers. Among the subjects mentioned are the development of bicycle routes, the sharing of public space, tax measures and training actions. The crucial question of the financing of these measures remains, whereas the FUB asked for a national fund of 200 million euros. One hundred million euros a year over five years will be spent under the grand investment plan of the President of the Republic, the minister told the press. According to her closing speech, this funding will however be devoted to innovative territorial organization projects and not exclusively to bicycles.

 **NOISE – FRANCE IS LATE IN THE SETTING UP OF THE 2002 EUROPEAN DIRECTIVE ON NOISE**



The World Health Organization estimates that noise is the second environmental problem that harms human health in the European Union, just after air pollution. According to the European Environment Agency, noise pollution leads to at least 10 000 anticipated deaths per year in Europe. In order to inform citizens of the level of noise in which they live and to enable the competent authorities to implement corrective actions, the European directive of June 25, 2002 requires agglomerations with more than 100,000 inhabitants to adopt a noise map and a noise prevention plan. However, it appears that these European requirements have not found echo in France. After an unsuccessful notice in 2013, on December 7, 2017 the European Commission once again gave notice to France to act against noise. Two important reproaches were addressed to France. On the one hand, 58 French agglomerations as well as major highways, railways and airports have still not established noise action plans that were to be published before July 18, 2008. This delay, says Antoine Perez Munoz de *Bruitparif*, can be explained by the administrative redistribution of the regions. On the other hand, France has not « correctly identified all the major existing infrastructures on its territory ». France has two months to present its arguments.

 **BIODIVERSITY – THE INCREASING GROWTH OF THE FRENCH FOREST**



According to the last annual inventory published by the National Institute of Geographical and Forest Information (IGN), for more than a century, the French forest continues to gain in surface and volume. Since the 1980s, the forest area had grown by 0.7% per year; which represents about 100,000 hectares on average per year, against 9.5 million hectares in 1830. Today it is estimated that the forest area in France covers 16.9 million hectares, 3/4 of which belong to private owners. 31% of the metropolitan territory is now covered by the forest. This average hides the different figures found in some departments that are still very low. Nine departments —La Manche, Vendée, Pas-de-Calais, Mayenne, Calvados, Loire-Atlantique, Somme, Deux-Sèvres and the North —have an afforestation rate of less than 10%. As for the volume of wood from forests, it has also increased by 45% in 30 years and doubled in 50 years.