

## HEADLINE – ICJ RECOGNIZES COMPENSATION FOR ENVIRONMENTAL DAMAGES

By a landmark decision issued on February 2, 2018 in the case of Costa Rica v. Nicaragua, the International Court of Justice (ICJ), the principal judicial institution of the United Nations, has set the amount of compensation that Nicaragua is required to pay Costa Rica for the material damage caused by its illicit activities in Costa Rica. The total amount of compensation awarded to Costa Rica is \$378,890.59 including \$120,000 for impairment or loss of environmental goods and services and \$2708.39 for restoration of the wetland under international protection.

The Court thus accepts that a State is bound to repair the damage to the environment caused to another State. « It is consistent with the principles of international law governing the consequences of internationally wrongful acts, including the principle of full reparation, to hold that compensation is due for damage caused to the environment, in and of itself, in addition to expenses incurred by an injured State as a consequence of such damage », states the ICJ in its judgment. This decision is in line with the compensation for ecological damage recognized in French law and the environmental responsibility recognized in EU law.

## HEALTH – IBUPROFEN, CAUSE OF INFERTILITY ?

This over-the-counter medication is an anti-inflammatory drug used for pain or fever and may also cause male and female infertility.

Indeed, the use of this drug would disrupt the production of testosterone when it is used continuously and in high doses.

Similarly, female infants whose mothers took ibuprofen during pregnancy would be at increased risk of experiencing fertility problems in adulthood.

Today, 30% of expectant mothers would use ibuprofen for the first three months of pregnancy.

Scientific results showed that the drug crossed the placental barrier and exposed the fetus and the mother to the same dosage of the substance.

« An initial stockpile of poorly stored follicles will result in a shorter reproductive life, early menopause or infertility, events that occur decades later in life, » said Dr. Séverine Mazaud-Guittot, researcher at Inserm of Rennes and lead author of this study.

Among the many medications that are contraindicated in pregnant women is ibuprofen.

## POLLUTION – AIR QUALITY: LAST CALL FOR 9 NONSTANDARD COUNTRIES



On January 30, the European Commission gave an extended deadline (10 days) to nine countries considered as « bad pupils » in the field of air quality. The countries concerned are Germany, France, Hungary, Italy, Spain, the Czech Republic, Romania, Slovakia and the United Kingdom. The goal is to introduce new measures and avoid being sent to European courts.

If the Commission seems sensitive on this subject, it is especially explained by the fact that air pollution is held responsible for more than 400 000 premature deaths a year in the European Union (respiratory and cardiovascular diseases).

The above-mentioned countries exceed the fixed emission limits (fine particles and nitrogen dioxide) to protect the health of Europeans.

For Poland or Bulgaria, they will no longer be informed because the CJEU has already been seized. As for the sanctions, they can be financial.

In total, 23 out of 28 countries exceed air quality standards and 130 cities in Europe are affected so far.

Finally, clear and transparent measures are expected, as originally planned: reduction of the overall volume of traffic, reduction of diesel cars or the transition to electric cars ...

## CLIMATE – EMMANUEL MACRON IN SAINT-LOUIS, SENEGAL

At the One Planet Climate Summit in Paris on December 12, 2017, French President Emmanuel Macron announced that he will travel to Saint-Louis, Senegal, to address the problem of coastal erosion. Indeed, global warming is causing the rise of the sea level, which is gradually causing the disappearance of the coastline. In 50 years, the sea has gained several kilometers. This phenomenon is dangerous for coastal dwellings that are threatened with destruction. According to the Senegal director of the World Bank, about 2,000 people have moved from Saint-Louis and 10,000 will have to be relocated. The French president announced an aid of 15 million euros to fight against erosion, which will be used for the construction of a rock dyke. This will delay the rise of the water, allowing residents to move. As stated by Souleymane Niang, geographer-geomorphologist at the Gaston Berger University of Saint-Louis, the installation is not a permanent protection against erosion, which will not stop, it is a measure of urgency; an effective coastal policy must be implemented. It has been estimated that two-thirds of the coastline is at risk of submersion by 2080.

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In this case, the applicant union raised the following priority question of constitutionality (QPC): the provisions of Article L. 561-1 of the French Code of the Environment, if they are intended to exclude from their scope of coastal erosion, ignore the principle of equality before the law and the right to property guaranteed respectively by Articles 6 and 17 of the Declaration of the Rights of Man and of the Citizen, as well as the principle of prevention guaranteed by Article 3 of the Environmental Charter.

The Council of State considers that « it results from the aforementioned provisions of the article L. 561-1 of the Code of the Environment, enlightened in particular by the preparatory works of the law dated February 2, 1995 regarding the reinforcement of the protection of the environment and the law dated July 12, 2010 on the national commitment for the environment from which they derive, that the legislator did not intend to extend the expropriation regime they institute to the risks linked to coastal erosion, which are not comparable to the risks of marine submersion, nor, in themselves, the risks of movements of ground, mentioned in this article ». Thus, it agrees to transmit the QPC to the Constitutional Council which will have to decide on the conformity with the Constitution of the exclusion of the risk of dune erosion of the expropriation device aiming at the safeguarding of the populations threatened by some major natural risks.

 **POLLUTION – DAMAGES COST BY THE SINKING OF « SANCHI » TO REACH JAPAN ?**



The disastrous consequences of the sinking of the Iranian oil tanker « Sanchi » in the East China Sea seem to affect Japan almost a month later. The accident occurred on January 6 and caused an oil spill with an area of about 109 km<sup>2</sup>. The Chinese authorities have minimized the environmental damage that could result from the sinking, arguing in particular that

a large amount of condensate has evaporated and its impact is less important than other types of oil. However, it is important to know that the condensate is diluted in water and releases toxic products. The accident occurred 300 km off the coast of Japan's Ryukyu archipelago. If the Japanese and Chinese authorities affirmed that the situation seemed under control, on February 2, oil deposits were discovered on the islands of southern Japan. Since the origin of the pollution is unknown, the Japanese government is now trying to determine the cause. It could be the consequence of the sinking of the « Sanchi », however there is no official confirmation for that a comparison with Sanchi products has to be made. Knowing that the presence of hydrocarbon could be caused by a wild degassing of another ship. The pollution of this area would be catastrophic because of the richness of its fauna and flora.

 **BIODIVERSITY – GLOBAL WARMING RESPONSIBLE FOR THE AGONY OF POLAR BEARS**

For 10 years, the population of polar bears has decreased by 40%. According to many studies, it seems that we have the capacity to determine energy needs and therefore understand the impact of climate change on the lifestyle of these mammals. The latter have a diet almost exclusively made of seals, and as a result, melting ice forces bears to travel further to find food. Indeed, their usual hunting technique was to wait for their prey then to spend less energy. Satellites show that there has been a reduction of 1,994,000 km<sup>2</sup> of pack ice between 1994 and 2010. Numerous studies show that if the decline continues, two-thirds of the polar bear population will grow to 10,000 by 2050. Polar bears are species considered vulnerable by the International Union for the Conservation of Nature and are often the first to be affected by rising temperatures. Unwitting mascots in the fight against climate change, the WWF organization announced in 2002 that climate change could lead to the extinction of polar bears.

 **RECYCLING – WHEN MULTINATIONAL COMPANIES INVEST IN 100% RECYCLED BOTTLES**

Evian partnered with Canadian start-up Loop Industries to use 100% recycled plastic bottles by 2025. Currently, Evian uses 25% recycled polyethylene (R-PET) in its bottles. However, Loop Industries has developed a process for making food-grade R-PET from any PET waste (fibers opaque PET bottles, etc.) through a chemical depolymerization process. The company plans to build its pilot soon near Quebec City and study the possibilities of an industrial implantation in Europe. At the same time, Coca-Cola has announced new recycling targets: the group wants to spend 30 to 50% of R-PET in its bottles in France and Western Europe. Unlike Evian, Coca-Cola relies on the recycling of PET bottles. It created a joint venture with the bottle-to-bottle specialist Plastipak and increased its production capacity from 28,000 to 48,000 tons of R-PET per year.