

HEADLINE – THE GENERAL DATA PROTECTION REGULATION'S COMING INTO FORCE



The General Data Protection Regulation (GDPR) came into effect on Friday May 25. Its main purpose is to give citizens control over their personal data, while simplifying the regulatory environment for businesses. This regulation will apply first to all companies carrying out an automated processing of the personal data of persons residing in the European Union. It does not matter whether they are established in the European Union or not; It also does not matter whether they are registered or not, as well as companies not registered in a Member State, but whose customer base is made of European residents; then to all persons residing in a Member State of the European Union, or engaged in an economic activity, and finally to all activities likely to have an impact on the protection of EU residents' personal data. With the GDPR, we will witness the strengthening of the people's rights in relation to their data. This will create new obligations for companies, especially by appointing a data protection officer, the supervisory authorities ensuring its application and empowered to impose pecuniary sanctions.

ARTIFICIAL INTELLIGENCE – COMMUNICATION OF THE EUROPEAN STRATEGY

In a global context of proliferation of artificial intelligence, the European Commission Artificial Intelligence for Europe released on April 25, 2018, the strategy of the European Union on the issue. The Commission therefore proposes to implement the logic of accountability, to oblige the person responsible to account for the respect of the applicable rules, but also the use of self-regulation, but under the supervision of the European authorities who will be able to legislate if needed. This communication was addressed to the European Parliament, the European Council, the European Economic and Social Committee and the Committee of the Regions. Artificial intelligence is defined as the set of theories and techniques of development of complex computer programs capable of simulating certain traits of human intelligence such as reasoning or learning. This communication aims at coordinating the national policies of the Member States, and opening access to artificial intelligence. Proposals have been made including the creation of an artificial intelligence platform on demand, whose mission will be to provide a single point of access to all users of this intelligence, in whatever form it may be (algorithms, cloud...).

MARINE POLLUTION – "SEABIN", THE SEA WASTE-BIN THAT ARRIVES IN FRANCE



Since November 2017, an invention straight from Australia is tested in the department of Hérault (La Grande-Motte): it is "SeaBin", a submerged bin that engulfs everything that floats. It is particularly ideal for improving the quality of the water of the harbours considering the number of waste that can agglutinate in certain places. In fact, marine pollution, which consists of the presence of a large quantity of waste in the oceans, or which results from discharges into the oceans by certain human activities, constitutes today an important problem which must be remedied. This Australian invention seems to be a solution to clean up the oceans as much as possible and thus improve the quality of the water. Besides, giving the effectiveness of this garbage can which has recently been demonstrated in tests, some cities have wanted to adopt "SeaBin" (a price of 3 300 euros) to clean the waters nearby. The city of Marseille is using it recently (May 2018), while the city of Paris wants to adopt it very soon.

TRANSPORTS – ELECTRIC VEHICLES, A MITIGATED BALANCE SHEET FOR 2017



In 2017, the share of vehicles sold worldwide increased by 60% and exceeded 1 million vehicles sold. To date, eight countries (China, the United States, Japan, Norway, the United Kingdom, France, Germany and Sweden) account for 90% of global sales. This growth can be explained by a tendency of the states to set targets for stopping sales of new thermal cars in the medium term. This target should be reached by France and the United Kingdom in 2040, by Scotland in 2032 and the Netherlands in 2030. Other countries, such as China or the United States (California), have chosen a more flexible transition with targets that impose sales quotas for electric vehicles to builders. This growth, however, is likely to be slowed by high car prices and low long-term returns. Indeed, the purchase price of a Renault Zoe (excluding ecological bonus) is 32 600 euros, which is more than 25 times the amount of the monthly french minimum wage and a non-negligible investment for the most modest households. The average life of a battery is about ten years, which represents a very uncertain value for money.

VERSAILLES ACA, MARCH 5 2018

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« Confédération paysanne du Lot et autres », n°412773

The Administrative Court of Appeal (ACA) of Versailles, meeting in plenary session, has, by two judgments of March 5, 2018, specified the condition of age allowing the men to access the techniques of Assisted Reproductive Technology (ART) in France.

Article L 2141-2 of the French Public Health Code provides that: "the man and the woman forming the couple must be alive and of childbearing age". In this case, the ACA of Versailles had to decide on two decisions of the Agency of Biomedicine refusing to two men of respectively 68 and 69 years the authorization to export gametes for a medical assistance to procreation.

The ACA of Versailles ruled that the agency had rightly denied the authorizations to these two men, and indicated that a man "can be regarded as being of childbearing age within the meaning of Article L. 2141-2 of the French Code of Public Health, up to an age of about 59 years.



In an order dated April 26, 2018, the Council of State came to specify the methods of taxation for individuals of the proceeds from the sale of "Bitcoins", the cryptographic virtual currency. This decision puts an end to a tax doctrine dated July 11, 2014 (BOI-BIC-CHAMP-60-50, §730). For the Council of State, "bitcoins" are intangible personal property and the proceeds from their sale

must be subject to capital gains tax on the sale of movable property when such transfers are made on an occasional basis.

The capital gains made by individuals on the occasion of the sale of "Bitcoins" will therefore be subject to a flat-rate tax of 19% to which will be added the social security contributions: 15.5% for income earned in 2017 and 17.2% for 2018.

 **CLIMATE – VICTIMS OF GLOBAL WARMING, TEN FAMILIES FILE A COMPLAINT AGAINST THE EUROPEAN UNION**



On May 24, 10 families from Europe, Africa and the Pacific, supported by the Swedish Sami Youth Association, sued the Parliament and the Council before the EU Court for violation of their fundamental rights caused by insufficient measures taken in the fight against global warming.

Their request aims for the annulment of three texts: the directive of March 14, 2018 revising the greenhouse gas emission allowance trading system as well as two other unpublished regulations.

Article 340 of the Treaty on the Functioning of the EU states that "In the case of non-contractual liability, the Union shall (...) make good any damage caused by its institutions or by its servants in the performance of their duties". In a judgment of January 20, 2010, the European General Court recalled that the cumulative conditions of such an action are: the reality of the damage, the existence of a causal link with the unlawful conduct and the claimed harm. If one of them is not fulfilled, the claim for damages is rejected in its whole without it being necessary to examine the other conditions of liability.

Case to follow..

 **RISKS – GLYPHOSATE WILL NOT BE PROHIBITED BEFORE 2021**



On the night of Monday, May 28 to Tuesday, May 29, as part of the review of the Agriculture and Food Bill, the French National Assembly rejected the measures that tended to ban glyphosate by 2021. Indeed, while the President of the French Republic, Emmanuel Macron, pledged in November 2017 to prohibit this herbicide in France in no later than three years,

MPs refused to include the ban on glyphosate in the law. However, this herbicide (used for agricultural weed control, as well as for the maintenance of urban and industrial spaces and marketed in the form of "Roundup") is now the subject of debate within the scientific community, given its carcinogenicity. For Yannick Jadot, an ecologist MEP, it's like "doing nothing against the worst of agriculture". However, even if this prohibition is not enshrined in the law, the spokesman of the government, Benjamin Griveaux, nevertheless declared that the ban of this herbicide would still be effective by 2021: "the commitment of the President of the Republic on the release of glyphosate in three years is a clear commitment".