

HEADLINE – THE PROHIBITION ON THE USE OF NEONICOTINOIDS ENTERED INTO FORCE



The ban on the use of certain neonicotinoids came into force in France on September 1, 2018. Concretely, since that day, it is forbidden to use acetamiprid, clothianidin, imidacloprid, thiacloprid and thiamethoxam. These products are among the toxic products used as insecticides acting on the central nervous system of insects. Until this ban, they were also contained in pesticides used in agriculture to increase agricultural yields, particularly beet, rapeseed, or wheat crops. The entry into force of this ban on the use of these neonicotinoids marks a first step in the fight against the striking mortality of bees. In fact, beekeepers were constantly warning us of the harmful effects these products could have on bees. Moreover, last April, the ban of 3 substances had already been decided, at an EU level. France has gone further by expanding the list of prohibited products to thiacloprid and acetamiprid. However, derogations may be granted until July 1, 2020, on a case-by-case basis, for acetamiprid-based products in small quantities.

NUCLEAR – RADON DIAGNOSIS

The ruling of February 10, 2016 and the decree n° 2018-434 of June 4, 2018 set an obligation of information regarding the exposure to the radon risk, at the expense of the seller of a building in the municipalities « *with potential significant radon* ». This regulation came into effect on July 1, 2018. Radon is a radioactive gas resulting from the disintegration of uranium and radium naturally occurring in the soil and rocks. Radon is a carcinogen for the lungs (recognized as such since 1987) and is the second leading cause of lung cancer in France after tobacco and in front of asbestos. It is possible to know the radon potential of its commune on the website of the institute of radioprotection and nuclear safety <https://www.irsn.fr/>.

POLLUTION – TRUMP ADMINISTRATION REVISES ANTI-POLLUTION STANDARDS FOR CARS



On August 2, less restrictive new rules were unveiled in a joint proposal by the Environmental Protection Agency (EPA) and the Road Safety Agency (NHTSA) to suspend pollution standards for passenger cars set under the Obama administration. These rules will suspend the Obama administration's injunction to automakers to build less polluting, more fuel-efficient vehicles, while favouring the construction of hybrid or electric vehicles. The so-called "CAFE" (Corporate average fuel economy) standards were designed to increase vehicle autonomy to achieve a target of 54.5 miles per gallon of gasoline (4.32 liters per 100 kilometres) by 2025. Proposed new measures now limit this target to 37 miles per gallon after 2021 (6.3 liters per 100 kilometres).

REGULATION – LAUNCH OF A PUBLIC CONSULTATION ON WORKPLACE BIOMETRICS



The French National Commission for Information Technology and Freedom (CNIL) has launched a public consultation for the drafting of a future model regulation on workplace biometrics. It will be open until 1 October, and aims to gather the opinions of the various stakeholders that are public and private organizations representative of the actors concerned. It follows from the General Data Protection Regulation (GDPR) that the processing of personal data on biometrics is in principle prohibited. However, certain exceptions are permitted, especially where the processing is necessary for the purposes of the fulfillment of the obligations and the exercise of the rights of the controller or the person concerned in matters of labour law. Such treatment is therefore possible, on the condition that it is authorized by the law of a Member State. Thus, in order to bring national law into line with European laws, the Data Protection Act introduced new provisions providing that biometric access control devices may be set up by employers provided that they comply with a standard regulation developed by the CNIL.

JURISPRUDENCE

**Council of State, 6th chamber,
August 16 2018, N° 398671**

Environmental expropriation

In this case, co-owners of the residence of Signal (Gironde, France) were forced to leave the premises given the risk of collapse due to coastal erosion. The syndicate of co-owners asked the Prefect to implement the environmental expropriation procedure. Given the refusal of the Prefect, the Administrative Court and the Bordeaux Administrative Court of Appeal were seized by the union of a request for annulment of the prefect's refusal decision. Application that was rejected.

Following a priority question of constitutionality (QPC) concerning the scope of the environmental expropriation procedure raised by the union and transmitted by the Council of State, the Constitutional Council considered that the risk of coastal erosion was not part of natural hazards likely to give rise to such a procedure (risks of marine submersion, risks of ground movements).

On August 16, 2018, following the QPC decision, the Council of State rejected the request for implementation of the environmental expropriation procedure. The Council of State recalled that the procedure is subject to the twofold condition that: « on the one hand, the risks in question are among the foreseeable risks of which they limit the list exhaustively and, on the other hand, that they seriously threaten human lives ». The Council of State made specific reference to Article L. 561-1 of the French Environmental Code.

WASTE – THE « TRIBUTERRE » PROBE TO HELP CITIZENS MAKE COMPOST



Tributerre, a startup founded in 2016, now offers a connected probe that allows individuals to learn how to make their own compost. This gadget named "Compostmeter" is composed of a probe with sensors that sinks into the compost and measures the maturity of it by going back a series of data (temperature, pH, humidity, methane level). The information is then transmitted to a magnetized puck which guides the user in the actions to be carried out in order to obtain a compost of good quality. The battery gives it an autonomy of two years.

The main challenge displayed by the startup is to restore to the population the ancestral knowledge of compost manufacture that the user will eventually acquire by following the instructions issued by the device. A dozen municipalities have already expressed interest in this device that will be designed to go hand in hand and create a new community of citizens gathered around the same participatory practice of composting. Tributerre has already set up online training accessible to all to introduce neophytes to this good practice.

CLIMATE – THE GDPR IMPACT ON THE DECLINE IN THE NUMBER OF TRACKING COOKIES



A cookie is a small text file in alphanumeric format placed on a user's hard disk by the server of the visited site or by a third party server and which makes it possible to recognize a visitor when he returns to a website.

Prior to the entry into force of the General Data Protection Regulation (GDPR), these cookies were collected on the basis of the implicit consent (out-put) of the visitor. From now on, the GDPR imposes that this consent is legitimate, that is to say it is on the one hand expressly provided by the visitor, and on the other hand that the visitor has the possibility of freely revoke this consent when he wishes to. Since the entry into force of the GDPR, a survey of the Reuters Institute for Journalism at the University of Oxford, conducted with 200 European websites has led to a drop of 22% in the number of tracking cookies on said sites. Therefore, assuming that a large number of users refuse to give their consent, this could have the effect of considerably reducing the value of tracking cookies, and thus lead websites to eliminate cookies that no longer provide any value.

CONTRACTS – THE ELECTRONIC REGISTERED MAIL 2.0

While the electronic registered mail (ERM) appeared with the order dated June 16, 2005 concerning the completion of certain contractual formalities by electronic means, its use was until now only very rare. There are two types of ERMs today: the contracted registered mail and the eIDAS ERM stem from the Electronic Identification and Trust Services Regulation for electronic transactions in the internal market. From January 1st, 2019, only the LRE eIDAS, in accordance with the European regulations, will be recognized by law, in accordance with the decree of May 9, 2018 which has just specified the conditions guaranteeing the equivalence between a registered mail and an electronic registered mail.