

SENSITIZATION – TRAINING FOR VIOLATORS OF THE ENVIRONMENTAL CODE

At the beginning of April, thirteen violators of the Environment Code were summoned in the rural municipality of Charente-Maritime, Gripperie-Saint-Symphorien, in a Massonne regional nature reserve. These offenders include several crimes: farmers burn their garbage, others spread herbicides that contain glyphosate and spread along a water course, and so on.

This course was initiated at the initiative of the deputy prosecutor of Saintes, Mathieu Auriol, in collaboration with the National Office of Hunting and Wildlife (ONCFS), the French Agency for Biodiversity (AFB), and the association that manages the Massonne reserve, Nature Environment 17. It is the convenience of sending this class of offenders to a correctional court that initiated this idea. The objective was to embark on a pedagogical approach, establishing a real dialogue and involving them in the care of environmental problems. The deputy prosecutor argued that this was a more appropriate judicial response. This course costs offenders € 160, against a fine of up to € 1500 for some. However, most criminals played down the seriousness of their actions by denying their responsibility for environmental damage.

AGROECOLOGY – LAUNCH OF THE EPITERRE PROGRAM BETWEEN THE FNSEA AND THE IMAGIN'RUTAL ASSOCIATION

The purpose of this program is to reward farmers for their service in favor of biodiversity. That is, a farmer would be rewarded for the positive externalities it generates for the benefit of society through its organic farming or its compensation. This incentive measure is financed by the government's biodiversity plan presented in 2018, which plans to invest 150 million euros in payments for environmental services. After 5 years of legal and technical work of the union and the association, it appears that the model will not distinguish between organic producers or not, but will only do so according to the project and the territory. The loss of biodiversity, linked, for example, to the installation of wind turbines, will be provided by a contract and will have to be compensated elsewhere, such as the establishment of plots to reform biodiversity. Compensatory actions have already been planned for preparatory work, such as planting hedges, maintaining wet meadows or restoring wetlands. In addition, the networks that provide the type of practices, the expected benefits and the remuneration of the practice are already configured, as well as the various legal cases (owners or not of

BIODIVERSITY – ADOPTION OF THE LAW PROHIBITING ELECTRIC FISHING IN THE EUROPEAN UNION

After long debates between supporters of fishing and opponents, the MEPs finally reached an agreement with 571 votes in favor and 60 votes against. This fishing practice consists of sending landfills to the sediment to catch fish that live on the bottom of the sea more easily. This practice was very controversial due to its cruelty, which also caused the death of all juveniles, representing a colossal danger to biodiversity. This practice had already been banned in 1998, before being gradually reused following a system of derogations and a very important lobbying, in particular the Dutch one. It will now be totally prohibited as of June 30, 2021 for all fishing vessels in the European Union and for all frequented waters, even outside the EU. However, Member States have the possibility to anticipate this prohibition. France has announced its intention to apply this law as soon as it is officially published.

However, although this seems to be very good news for the environment, the introduction of a more sustainable fishery will require some adjustments. Claire Nouvian, president of the NGO Bloom, the main opponent of this practice, fears for the financial health of artisanal fishermen and believes that state subsidies are needed to support this sustainable fishery.



CARBON TAX – THE CONVENTION OF CITIZENS ON CLIMATE BECOMES MORE ACCURATE

Responding to the demand for participatory democracy formulated by the "yellow vests" and re-launching ambitious ecological measures: this is the dual objective of the Citizen Climate Convention, an assembly of 150 French elected by lot. François de Rugy, the Minister of Ecological Transition announced that the first ecological defense council, whose creation was mentioned by Emmanuel Macron at his press conference on April 25,

the package, etc.). It remains to be seen whether the endowments will be quite attractive in relation to the work that the farmer must do or, if necessary, the lack of income for plots reserved or retransformed in wetlands. Because these measures are only options offered to farmers and in no way are they mandatory.

CASE LAW

COURT OF APPEAL OF LYON, APRIL 11, 2019

In a judgment of April 11, 2019, the Court of Appeal of Lyon recognized the responsibility of the giant in the agricultural biotechnology market Monsanto in the damages caused to the farmer Paul François. The farmer had to be hospitalized urgently in April 2004 after the accidental inhalation of Lasso vapors, which remove weeds, during the cleaning of a tank, which has since been banned in France due to its toxic nature. Since then he has been diagnosed with severe neurological disorders. The company was found responsible in the first instance in 2012, and then in the appeal in September 2012. This last decision was annulled by the Court of Cassation in 2017 before the Court of Appeal of Lyon again recognized the responsibility of Monsanto. In particular, Monsanto is accused of not mentioning in the labeling or packaging of the product the specific hazard of work in tanks and tanks. The Court of Appeal also mentioned other information that was not given by the company as the risks related to the inhalation of a product present in large quantities in Lasso and toxic to humans, chlorobenzene, as well as recommendations for respiratory protection devices. The company had alleged in its defense negligence on the part of the farmer, who should have known about the toxicity of the product and who had not been sufficiently protected. However, the judges considered that the farmer's technical knowledge could not compensate for the lack of information about the product. It would seem, therefore, that the breach of this information obligation was used to characterize the defect of the Lasso product and thus recognize the responsibility of the producer Monsanto.

will be held at the Elysee. This body, which will bring together at least nine ministers under the authority of the President, will meet regularly. This citizen assembly will have to "represent France in its diversity". It will be composed of a lottery on the electoral lists, but also lists of subscribers by phone to expand the convention to people away from the policy. Unlike juries, it will be possible to refuse to participate. The 150 selected French will have to formulate proposals to fight against global warming. François de Rugy believes that this way they will be able to "propose a future for the carbon tax" or to prefer another ecological tax, the current regulatory measures or incentives. "There will be no taboo subject," says the minister, but it will be necessary to create a recipe for each additional expense. Specifically, citizens will work one weekend out of three and will be paid. The first meeting should be held before the end of June and the work will last six months. The proposals submitted will be approved directly, voted by Parliament or subject to a referendum. If the climate convention works well in France, the government does not exclude using it for other archives, within the framework of the constitutional review.

WASTE – THE CONSTITUTIONAL COUNCIL REITERATES THE POSTPONEMENT OF THE BAN ON DISPOSABLE PLASTICS

On May 16, the Constitutional Council censored article 17 of the Law of Growth and Transformation of Companies (Pacte), which proposed to postpone the prohibitions on the marketing of certain plastic utensils planned for 2020 by the Agriculture and Food Law of October 2018. The postponement until 2021 of the prohibitions referred to the straws, cutlery or sticks to mix. The food trays were removed from the Prohibited List. Promoted by socialist senators, the "Sages" have altered this provision of the Pacte Law for "lack of connection" with the original bill. Article 17 was adopted "in accordance with a procedure contrary to the Constitution". This provision will not be included in the Pacte Law, which will be promulgated on May 24. The government has "postponed for a year the entry into force of the ban to not penalize companies." He also explained the draft of the directive, adopted by the European Parliament last March, which plans to ban some disposable plastic items in the spring of 2021. The Constitutional Council also criticized Article 18 of the Pacte Law that postponed the ban on manufacturing and Export prohibited pesticides.

BIODIVERSITY – MEETING OF SCIENTIFIC EXPERTS IN PARIS TO WARN ABOUT THE STATE OF THE WORLD'S BIODIVERSITY

This Monday, April 29, an IPBES meeting was held, which brought together scientists from 132 states, with the aim of developing a report that compiles the body of knowledge about biodiversity and its state of degradation worldwide. The main objective is to highlight this degradation so that policy makers can become aware, as it could have been at the time of the 1990 IPCC for the climate. The objective is the COP15 of 2020 in China, which will focus on biodiversity. This scientific report will be one of the bases for the preparation of the success of this COP15. The meeting is the first of the five phases that are being prepared for COP15. The second phase will be the environment of the preamble of the G7 in the general G7 (3rd phase) of Biarritz at the end of August and, finally, the IUCN Congress (4th phase) of June 2020, which will conclude the preparation phase. The report produced by IPBES is categorical, we are facing a massive and very rapid extinction of species throughout the world, and human activities are responsible for them for the destruction of habitats, pollution, overexploitation of resources, the proliferation of invasive species and climate change.

WASTE – THE FIGHT AGAINST GARBAGE ESPECIALLY FOR PROFESSIONAL USE

A working group was created by a secretary of state of the ministry of the ecological and solidarity transition, in relation to the communities to fight against this phenomenon. The working group has tools for legal, technical and digital struggle for reflection. The first line of thought is to know better the type of waste left to have a better vision of the tools to implement an effective struggle under the guidance of Ademe. The second way is to identify legislative and regulatory changes to increase efficiency against illegal deposits, and it will be presented in a bill dedicated to the circular economy in 2019. Among these legislative and regulatory changes is already foreseen an increase in the number of infractions planned in the penal code, the access of the municipal police to the vehicle registration system to find the author of the deposit or the use of video protection. Finally, the third way is the implementation of a guide to help local stakeholders, including mayors, to sanction the abandonment of waste.