

# PRESS'ENVIRONNEMENT

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## In the one - United Kingdom: for the first time, air pollution has been recognized as a cause of death for a young nine-year-old girl



Ella Kissi-Debrah, a nine-year-old girl, active and full of life, practicing gymnastics, dancing, swimming and playing football, has died on February 15th 2013 of a severe asthma attack. She lived with her family near Circular Road in Lewisham in the Southeast of London, a place where the pollution threshold for nitrogen dioxide caused by traffic was constantly above the annual legal limit between 2006 and 2010. Her life had been punctuated by repeated hospitalizations. Her name enters the history of British justice and her face, into the minds. Her mother, Rosamund Kissi-Debrah, has led the fight for numerous years to obtain

the truth when it comes to the role air pollution played in her daughter's death. On December 16th, 2020, the British justice has recognized, according the coroner's conclusions, deputy coroner for London's district of Southwark, Philip Barlow the contribution of the atmospheric pollution in Ella's death. In 2014, the justice had decided that she had died from acute respiratory failure caused by severe asthma but with no link to be found with her borough's pollution. Those conclusions have been cancelled in 2019 after the publication of a 2018 report of Stephen Holgate, a professor in immunopharmacology. He had noted a link between Ella's hospitalizations and pollution peaks in winter in the South of the British capitale. That precious fight for the truth reminds us of the impact of air pollution on our health. And this case is even more important because it reminds us that the grass isn't greener for us as France has been successively condemned (2017, 2019, 2020). Link to the association that heightens awareness of the dangers of asthma and air pollution: <http://ellaroberta.org>.

## Health - a new mutation of the COVID, back to the starting point?

Last week, a few days before December 24th and Christmas celebrations, liaisons between France and the United Kingdom were brutally interrupted. A new mutation of the COVID-19 in the country is at the root of this rupture, France, like other countries, hoping to contain the virus on the island and to avoid its propagation to the rest of Europe. The reason for this wariness comes from the augmentation of the virus' reproduction rate linked to the development of that new strain. It seems to be more contagious than the virus we knew and would explain, according to the British authorities, the spurt of the pandemic in the country. Even if the frontiers had been closed between the two countries, a first case of that mutation has been found in France, in Tours to be precise. That new mutation brings a lot of questions, especially about the vaccine which has been given for the first time in the country on December 27Th. The Health Minister, Olivier Véran, has asserted on Europe 1 that « the antibodies developed by the two main vaccines (...) don't target that mutated part of the virus ». It would seem that the vaccine is still effective.

## Biodiversity - WildLeaks: become a whistle blower for animals

The WildLeaks project is a website which allows, for the first time, to receive warnings for damages to wild animals but also on the smuggling that they can be victims of. Created on the model of WikiLeaks, that website allows to warn authorities or associations so those can launch an investigation on the received warnings. Launched in 2014, the website has declared to have received on this day 300 warnings after their first statement executed this year, which content is very varied, from the killing of wolves in a National American Park to the selling of pangolins' scales in Africa. That weak number can be explained with a simple fact : whistle blowers are very rares in the countries that are the most concerned by the damages to animals or its smuggling. However, 70% of the 300 alerts received have revealed themselves to be useful and one of the most famous one is the Green Mile Safari case. The website has in fact received and published a video showing clients of a safari company practicing trophy hunting in Tanzania, country where this activity is very regulated. The images were very shocking and the company responsible for the practice of these illegal activities has seen itself be forbidden to access Tanzania. Even if it's not well known for now, that website manages to have an important impact.

## Transports- New rules for maritime cyberattacks

With COVID, maritime transport has strongly developed and has taken an even greater importance. That importance has sadly attracted numerous attacks, especially cyberattacks. Those cyberattacks are an offensive manoeuvre aimed at organizational and computing systems so as to compromise them, to destroy them or to access enterprises' and ships' data. Those attacks are especially dangerous because enterprises digitalizes more and more which can lead to an incapacity to work when there are computing problems. That's why, starting January 1st 2021, directives « on the management of maritime cyberattacks » published by the IMO (International Maritime Organization) in 2017 are going to be applied and it will impose an obligation of cyber resilience. That obligation consist, for owners and managers of ships, in an evaluation of cybernetics' risks so they can implement necessary preventive measures so as to face that kind of threat. That obligation will be checked by classification societies which can immobilize ships at deck that don't respect that obligation during controls carried out by the State. Societies must also declare all cyber-incident even if that obligation is only contractual and based only on parties' will.



**3rd civil chamber, December 3rd 2020, No. 20-10.122 and No. 19-19.670 - CONTRACT: qualification of the contract of residence in an EPHAD (public school of higher education)**

In two decisions of December 3<sup>rd</sup> 2020, in two similar cases, the Cour de Cassation confirmed the legal nature of the contract of residence in a private accommodation establishment for dependent elderly persons; "the contract of residence, within the meaning of Article L. 311-4 of the Code de l'action sociale et des familles (Social Action and Family Code), is in line with the classification as a contract of lease of things". Thus, a contract of residence in an EPHAD is identified as a contract for the lease of things, defined in Article 1709 of the Civil Code as "a contract by which one of the parties undertakes to allow the other to enjoy a thing for a certain period of time, and in return for a certain price which the latter undertakes to pay him".

**Board of State, Administrative Jurisdiction Division, December 17<sup>th</sup> 2020, No. 433432 - BIODIVERSITY: hunting and protection of endangered species**

By decision no. 433432 of December 17<sup>th</sup> 2020, the Administrative Jurisdiction Division (6th and 5th Chambers combined) of the Board of State, annulled the order of July 31<sup>st</sup> 2019 of the Minister for Ecological Transition and Solidarity on the hunting of the curlew in mainland France. The order had been criticized and had been subject to an application registered on August 8<sup>th</sup> 2019 at the Litigation Secretariat by the association LPO France (the "League for the Protection of Birds"). The latter claimed that authorizing such hunting was a violation of Articles 2 and 7 of Directive 2009/147/EC of November 30<sup>th</sup> 2009 (the "Birds Directive") and the provisions of the Environmental Code transposing it, as well as the commitments made by France under the Agreement about the Conservation of African-Eurasian Migratory Birds. Moreover, the expert committee on adaptive species management, set up in March 2019, did not recommend the hunting resumption of this threatened wading bird.



**Pollution -2020, a climate-friendly year**

Due to the health crisis, fossil CO2 emissions decreased by a record of 7%. In the mean time in Europe, the share of renewables reached 20% of gross final energy consumption.

Because of the global pandemic our industrial civilisation has experienced the most significant drop in CO2 emissions - not even the Second World War or the 1929 crisis had caused such a fall.

However, the decline is not uniform across the world or across all sectors; aviation emissions have fallen by 75%, with the biggest falls in the US (-12%), Europe (11%) and India (-9%). China, the world's most industrialized country, experienced a fall of only 1.7%. This good news is temporary, since the decline is sudden and not voluntary.



**Energy - Europe has reached 20% of renewable energy in 2020**

The European Commission recently announced that in 2020, the share of renewable energies (solar, wind, hydroelectric) reached 20% of gross final consumption. Unsurprisingly, the Nordic nations are the best in this field, notably thanks to hydroelectricity.

In Sweden, renewables cover 56% of gross final energy consumption. Although France is not the worst performers among EU members, with its 17.2% share of renewables, it is certainly one of the countries furthest behind the objectives of the multi-year energy programming, which set at 23% the share of renewables to be reached by 2020.

However, the Court of Auditors had already alerted the government about the "persistent gap regarding the stated objectives". Similar criticisms had been made by the Academy of Sciences in its opinion of July 7<sup>th</sup> 2020, in which it demonstrated the inadequacy of the closure of Fessenheim with the government's stated policy of reducing CO2 emissions.



**Agriculture and biodiversity - New protection plan in preparation for pollinators**

Since the Constitutional Council validated on December 10<sup>th</sup> the law reauthorising neonicotinoids, which had aroused criticism because of the proven damage to pollinators. The Ministry of Ecological Transition Barbara Pompili wishes to counterbalance this with a new protection plan for pollinators.

This plan would involve a revision of the "Bee" decree of 2003. For the time being, only the treatment of crops with insecticides during the flowering period is prohibited. However, derogations do exist for certain products bearing the "Bee" label whose spraying after sunset is authorized. The draft decree plans to extend the ban to fungicides and herbicides, which would then no longer be allowed to be sprayed during the flowering period. We can imagine, the same exemption as for insecticides.

Beekeeping professionals, NGOs have welcomed the draft decree. The French National Union of Beekeepers welcomes "a decree that is essential for the well-being of pollinators" but ask government to ensure that the recommendations of the Health Safety Agency are applied more strictly, first and foremost that the rules applicable to phytosanitary treatments are tightened. Others, such as "Génération Futures" announce that they will remain vigilant, especially regarding the exemptions that will be granted.

The FNSEA is fiercely opposed to this project, which denounces "a lack of consultation" and inaccuracies as to the methods of spraying after sunset "we cannot force farmers to work at night," reacts Christian Durlin, a member of the union. "There is a risk of loss of yield," he continues. Indeed, the FNSEA also fears a "distortion of competition" caused by regulations that are more restrictive than those of competing countries.