The First Successful Claim Against The French State For Failing To Honour Its Obligation To Combat Global Warming – Paris Administrative Court's Judgment Of 3 February 2021 On Climate Change: The Case Of The Century, Or Is It?

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On 3 February 2021, the administrative court of Paris delivered its first judgment[1] in a very publicised climate litigation case nicknamed the case of the century by the applicant associations. While this judgment is novel in so far as the court recognised for the first time the existence of an ecological damage linked to climate change and found the French State liable for failing to honour its obligations to combat global warming, it is nonetheless also interesting in that it only established partially the liability of the State and did not award (for the time being) compensation for the ecological damage suffered by the applicants. It certainly offers however new lines of reflection and contributes to developing the juridical debate around climate justice.

Factual background

In March and May 2019, Associations for the protection of the environment *Oxfam France*, *Notre Affaire à tous*, *Fondation pour la Nature et l'Homme*, and *Greenpeace France* brought before the Paris Administrative Court four actions against the French State for failure to act in the fight against climate change, for failure to fulfil its general and specific obligations regarding the fight against climate change or the alleviation of its effects, and for damages for the non-pecuniary (moral) and ecological harm they claimed they suffered.

More specifically, the applicants also asked the court to order French the Prime minister and competent ministers to take the necessary measures to:

- attain France's objectives regarding the reduction of greenhouse gases, the development of renewable energies and greater energy efficiency as set out in a variety of national primary and secondary legislation[2] and European legislation[3];

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[1] The full text of the judgment is available in French with a summary in English on the Paris court's website at http://paris.tribunal-administratif.fr/Actualites-du-Tribunal/Communiques-de-presse/L-affaire-du-siecle <accessed on 10 April 2021>.

[2] See the 2009 programming Act on the implementation of the *Grenelle de l'environnement*, 2010 Act on national commitment to the environment, 2015 Act on energy transition towards green growth, 2015 Act on national carbon budgets and national low-carbon strategy and 2016 Decree on energy pluriannual programming).

[3] See Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020, Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC, Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency,

- prepare the national territory for the effects of climate change; and

- protect the life and health of citizens against and climate change resulting risks.

Arguments of the parties

The applicants first argued that the French State has a general obligation to fight against climate change which based first on a guaranteed right for everyone to an environment which is balanced and respectful of health as laid down in Article 1 of the French Environmental Charter which has constitutional force[4], and second on the *obligation de vigilance* (duty of care) ensuing from Articles 1 and 2[5] of the Charter and based on the international obligations of France under the 1992 UN Framework Convention on Climate Change[6] and the 2015 Paris Agreement[7]. Such *obligation de vigilance* must be linked to the *devoir de prevention* (duty of prevention) and the *principe de precaution* (precautionary principle) as laid down in Article 3 and 5 of the Charter and *devoir de diligence* (due diligence) as defined in international law.

Secondly, they further contended that the due diligence obligation of the French State was also enshrined in the right to life and the right to respect for private and family life, home and correspondence under Articles 2 and 8 of the European Convention of Human Rights and Fundamental Freedoms respectively, which presumably include environmental protection and fight against climate change whose effects threaten the life and health of nearly 10 million citizens.

Thirdly, they based their claim on a general principle of law that everyone has the right to live in a sustainable climatic system seen as a precondition for the promotion of sustainable development and the enjoyment of human rights by current and future generations. Though this is not a general principle of law currently recognised in French law, the claimants contended that this principle derives not only from international and domestic laws as they presently stand but also from the "requirements of today's legal consciousness and the rule of law".

On the basis of those general arguments, the applicants contended that the French State was guilty of failing to fulfil its general obligation to fight climate change, of failing to take the

amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC, Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 and Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources.

[4] See C. Dadomo, 'The Greening of the French Constitution – The Constitutional Act of 1 March 2005 on the 2004 Environmental Charter' (2005) 6 Env. Liability, 175-186 and 'The "Constitutionalisation" of French Environmental Law under the 2004 Environmental Charter' In New Frontiers in Environmental Constitutionalism (E. Daly, L. Kotze, J. May and C. Soyapi (eds), UNEP, 2017) at 246.

[5] Article 2 imposes a duty to take part in its protection and improvement.

[6] https://unfccc.int/resource/docs/convkp/conveng.pdf

[7] https://unfccc.int/sites/default/files/english_paris_agreement.pdf

necessary measures to prevent the emissions of greenhouse gases exceeding the maximum levels set out in the 2015 Decree on the national low-carbon strategy[8] during the 2015-2018 period, and that they had suffered a non-pecuniary injury with regard to their statutory purpose.

The French State was in breach of its general obligation to fight climate change for three main reasons: first, it failed until 2005 to adopt the measures necessary to eliminate, at least, limit climate change related risks and dangers (despite their anthropogenic origins being well known for decades and fully established by the IPCC since 1990), and since 2005 to adopt the necessary measures to fulfil its obligations; second, by setting objectives that do not help keep the rise of the average global temperature in the atmosphere below 1.5˚ C despite France having accepted a "common but differentiated responsibility"; third, it adopted administrative measures that are insufficient to implement effectively the legislative and regulatory framework for the fight against climate change as evidenced by the delays in providing financial aids supporting energy-efficiency measures or the lack of sufficient investment to fight climate change.

According to the applicants, such breach amounted to a fault for which the French State can be held liable.

Further, the applicants claimed that greenhouse gas emissions had exceeded the maximum levels set out in the Decree on low-carbon national strategy by 4% as a result of a failure to take the necessary measures. A *préjudice écologique* (ecological damage) as defined under Article 1247 of the Civil Code as amended by Article 4 of the 2016 Act on the reclaiming of biodiversity, nature and landscapes[9] as "a significant damage to the elements or functions of ecosystems or to human benefits from the environment"[10] would ensue from that failure for which the French State should be held liable. Indeed, this failure is the direct cause of an ecological damage characterised by the worsening of climate change or, at least, the impossibility to reverse it. Such damage would affect the ecological functions of the atmosphere and would amount to an actual damage.

Finally, the claimants argued that they suffered a non-pecuniary injury with regard to their respective statutory purposes which are to protect the environment, to fight climate change as well as fight inequalities and poverty.

In its defence brief of 23 June 2020, the Ministry of ecology concluded that the application should be rejected for the following reasons:

- The applicants cannot rely on the Paris Agreement whose provisions do not create rights for individuals, and in any respect, France complies with the objectives set in Articles 2 and 7;

[8] See footnote 1.

[9] Loi n° 2016-1087 du 8 août 2016 pour la reconquête de la biodiversité, de la nature et des paysages (JORF n°0184 du 9 août 2016).

[10] "une atteinte non négligeable aux éléments ou aux fonctions des écosystèmes ou aux bénéfices tirés par l'homme de l'environnement" (author's translation).

- France has not breached the ECHR and notably complies with the objectives of protection of populations;
- With regard to the reduction of 17% of greenhouse gases, France set itself higher objectives that EU ones and those have been partially attained with a reduction of 13.8% compared to 2005 levels. France contended also that the 2020 objectives would be attained;
- The objective of increasing renewable energy is independent from the issue of greenhouse gases and its deadline has not yet passed;
- The argument that France has breached the Environmental Charter is inoperative in the absence of a *question prioritaire de constitutionnalité* (*a posteriori* control of constitutionality of legislation)[11]; in any respect, the Charter does not impose an obligation to fight climate change;
- The general principle of law that everyone has the right to live in a sustainable climatic system seen as a precondition for the promotion of sustainable development and the enjoyment of human rights by current and future generations is not recognised in French law and cannot be relied upon in a French (administrative) court;
- The alleged breach of budgetary provisions relating to the low-carbon strategy does not amount to a breach of the Environmental Code and many important measures have been adopted such as the 2019 Act on climate and energy[12] which, amongst other measures, sets a series of objectives for the reduction of greenhouse gases, the development of renewable energies and the fight against "*passoires thermiques*" (houses and building with a F and G efficiency levels and the source of 20% of greenhouse gases), etc; and the 2020 Act on waste and circular economy the main purpose of which is to reduce waste and increase recycling[13];
- The applicants do not establish a clear causal link between the alleged breaches and the damage suffered since France is responsible for 1% of global greenhouse gases created in five economic sectors among which transport, services, agriculture and manufacturing industry;
- The existence of a non-pecuniary damage is not established;
- The ecological damage cannot be relied upon in an administrative court; and

[11] The *question prioritaire de constitutionnalité* is a French Constitutional Law procedure allowing persons involved in a pending case before a French court to ask the Constitutional Court to assess the constitutionality of the laws relating to the case at hand.

[12] Loi n° 2019-1147 du 8 novembre 2019 relative à l'énergie et au climat (JORF n°0261 du 9 novembre 2019). For a good summary in French of this Act, see https://www.vie-publique.fr/loi/23814-loi-energie-et-climat-du-8-novembre-2019#:~:text=La%20loi%20%C3%A9nergie%20et%20climat,moins%20d'ici%20cette%20date <accessed 11 April 2021>.

[13] Loi n° 2020-105 du 10 février 2020 relative à la lutte contre le gaspillage et à l'économie circulaire (JORF n°0035 du 11 février 2020). For a good summary in French of this Act, see https://www.vie-publique.fr/loi/268681-loi-lutte-contre-le-gaspillage-et-economie-circulaire <accessed 11 April 2021>.

- Some of the applicants' requests fall within the domain of the law and, as a result, the administrative court has no jurisdiction to order the Prime Minister and the government to table a Bill before Parliament.

judgment and rationale

In its judgment of 3 February 2021, the Paris administrative court addressed notably three main issues: the admissibility of the action to redress ecological damage, the existence of an ecological damage, and the State's failure to act and its potential liability notably the causal link between the damage suffered and failure to act.
With regard to the admissibility of the action, the court referred to four specific provisions:

- Article 1246 of the Civil Code which provides that "any person responsible for ecological damage shall remedy it";[14]
- Under Article 1247 of the same code, "ecological damage which is a significant damage to the elements or functions of ecosystems or to human benefits from the environment shall be remedied"; [15]
- Article 1248 of the code specifies that "an action for compensation for ecological damage is open to any person having the capacity and interest to act, such as the State, the French Biodiversity Office, local authorities and their groups whose territory is concerned, as well as public bodies and associations approved or created for at least five years on the date of the institution of proceedings, which have as their object the protection of nature and the protection of the environment" [16]; and
- Under Article L.142-1 of the Environmental Code, "any association whose object is the protection of nature and the environment may initiate proceedings before the administrative courts for any grievance pertaining to it"[17].

On the basis of those four provisions, the court concluded that associations, approved or not, whose statutory purpose is to protect nature and the environment have the right to seek reparation for ecological damage before an administrative court. Having examined their respective statutory purposes as defined in their statutes, the court ruled that the applications of the four NGOs were admissible[18].

[14] "Toute personne responsible d'un préjudice écologique est tenue de le réparer" (author's translation).
[15] "Est réparable, dans les conditions prévues au présent titre, le préjudice écologique consistant en une atteinte non négligeable aux éléments ou aux fonctions des écosystèmes ou aux bénéfices collectifs tirés par l'homme de l'environnement." (author's translation).
[16] "L'action en réparation du préjudice écologique est ouverte à toute personne ayant qualité et intérêt à agir, telle que l'Etat, l'Office français de la biodiversité, les collectivités territoriales et leurs groupements dont le territoire est concerné, ainsi que les établissements publics et les associations agréées ou créées depuis au moins cinq ans à la date d'introduction de l'instance qui ont pour objet la protection de la nature et la défense de l'environnement." (author's translation).
[17] "Toute association ayant pour objet la protection de la nature et de l'environnement peut engager des instances devant les juridictions administratives pour tout grief se rapportant à celle-ci." (author's translation).
[18] See paragraphs 10 to 15 of the judgment.

The Court then addressed the issue of the existence of the ecological damage. The court referred specifically to the latest reports of the IPCC and to the works of the French National Observatory on the effects of climate change (ORNEC)[19] which established that the constant increase in the Earth's average global temperature is primarily caused by anthropogenic greenhouse gases and is responsible for a change in the atmosphere and its ecological functions. In light of this evidence, the Court concluded that the existence of a damage, which was not contested by the State, was therefore established.[20]

The court then examined whether a causal link between this ecological damage and the alleged failure of the French State to take the necessary measures in the fight against climate change could be established.
Regarding the general obligation of the French State to fight climate change, the court recalled France's international obligations notably under Articles 2[21] and 3(1)[22] of the United Nations framework convention on climate change, Articles 2[23] and 4(1) and (2)[24] of the Paris

[19] Created by the Act of 19 February 2001, this body has the mission to collect and disseminate information on the risks associated with global warming, to formulate recommendations on the adaptation measures to be considered to limit the impacts of climate change and to liaise with the Intergovernmental Group of Experts on climate change (IPCC).
[20] See paragraph 16 of the judgment.
[21] "The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner."
[22] "The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof."
[23] "1. This Agreement, in enhancing the implementation of the Convention, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by: (a) Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change; (b) Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production; and (c) Making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development. 2. This Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances."
[24] "1. In order to achieve the long-term temperature goal set out in Article 2, Parties aim to reach global peaking of greenhouse gas emissions as soon as possible, recognizing that peaking will take longer for developing country Parties, and to undertake rapid reductions thereafter in accordance with best available science, so as to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century, on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty.

Agreement as well as under European Union legislation such as the 2020[25] and 2030[26] climate and energy packages.

Further, by reference to French law, the administrative court explained that under Article 3 of the French Environmental Charter on the duty of prevention, which has constitutional force "every person[27] has an obligation, within limits laid down by statute, to prevent any damage that he/she/it is likely to cause to the environment or, failing that, to limit the consequences of such damage."[28] The court carries on explaining that under Article L.100-4 of the Energy Code, "I. - To respond to the ecological and climatic emergency, the national energy policy has the following objectives:

1° To reduce greenhouse gas emissions by 40% between 1990 and 2030 and to achieve carbon neutrality by 2050 by dividing greenhouse gas emissions by a factor greater than six between 1990 and 2050. The trajectory is specified in the carbon budgets mentioned in Article L. 222-1 A of the Environmental Code (…)"[29], and that, in order to achieve that objective, Article L.222-1 B of the Environmental Code provides that "I. - The national low-carbon development strategy, called "low-carbon strategy" as set by decree, defines the course of action to be followed in order to conduct the policy of mitigating greenhouse gas emissions under economically sustainable conditions in the medium and long term in order to achieve the objectives defined by the law provided for in Article L. 100-1 A of the Energy Code (…)".[30]

On the basis of those international, European and French law provisions, the court concluded that there was an ecological and climate emergency, that the French State recognised such emergency and its capacity to take effective action to reduce its causes and reduce its adverse effects and, for that reason, the State chose to be bound by international laws and, at domestic level, to exercise its regulatory power to conduct the policy of mitigating

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2. Each Party shall prepare, communicate and maintain successive nationally determined contributions that it intends to achieve. Parties shall pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions."

[25] Notably Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 (OJ L 140, 5.6.2009, p. 136–148).

[26] Notably Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ L 156, 19.6.2018, p. 26–42).

[27] This term includes natural and legal, public and private persons.

[28] "Toute personne doit, dans les conditions définies par la loi, prévenir les atteintes qu'elle est susceptible de porter à l'environnement ou, à défaut, en limiter les conséquences." (author's translation).

[29] "I. - Pour répondre à l'urgence écologique et climatique, la politique énergétique nationale a pour objectifs :

1° De réduire les émissions de gaz à effet de serre de 40 % entre 1990 et 2030 et d'atteindre la neutralité carbone à l'horizon 2050 en divisant les émissions de gaz à effet de serre par un facteur supérieur à six entre 1990 et 2050. La trajectoire est précisée dans les budgets carbone mentionnés à l'article L. 222-1 A du code de l'environnement (…)" (author's translation).

[30] "I. – La stratégie nationale de développement à faible intensité de carbone, dénommée " stratégie bas-carbone ", fixée par décret, définit la marche à suivre pour conduire la politique d'atténuation des émissions de gaz à effet de serre dans des conditions soutenables sur le plan économique à moyen et long termes afin d'atteindre les objectifs définis par la loi prévue à l'article L. 100-1 A du code de l'énergie (…)" (author's translation).

greenhouse gas emissions with the view to achieve at specific and successive deadlines a number of objectives.[31]
Consequently, with regard to the objective of reduction of greenhouse gases, the court found that between 2015 and 2018, the French State had substantially exceeded its first carbon budget by 3.5%. It also pointed out that, according to two annual reports of the *Haut Conseil pour le climat* (High Council on Climate),[32] "France's actions are not up to the challenges and objectives it has set for itself".[33] As a result, the court held that the French State was liable for failing to meet its obligations to curb greenhouse gas emissions.[34]

However, the court dismissed the other alleged failures of the State to meet its own objectives raised by the applicants, namely those on energy efficiency, the increase of the share of renewable energies in the gross final energy consumption, insufficient objectives to keep the rise in temperature to 1.5˚ C, and the lack of assessment and adaptation measures.

With regard to redress for ecological damage, the court pointed out, in light of Article 1249 of the Civil Code[35], such redress is primarily in kind, with damages being awarded only if the remedial measures are not possible or insufficient. The court rejected the associations request for pecuniary compensation for the damage on the ground that they did not demonstrate that the State was not capable to take the necessary remedial measures.[36]

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[31] See paragraph 21 of the judgment.
[32] As explained on its webpage, "the High Council on Climate (HCC) is an independent body established by the Decree of 14 May 2019. It is tasked with issuing advice and recommendations to the Government on the implementation of public measures and policies to reduce France's greenhouse gas emissions, in keeping with its international pledges – in particular the Paris Agreement and target to achieve carbon neutrality by 2050. Its purpose is to provide independent, neutral insights on government policy and its socio-economic and environmental impacts. Chaired by French-Canadian climate scientist Corinne Le Quéré, it is made up of thirteen members selected for their expertise in the fields of climate science, economics, agronomy and the energy transition." (see https://www.hautconseilclimat.fr/en/ <accessed on 14 April 2021>)
[33] See paragraph 30 of the judgment.
[34] See paragraph 31 of the judgment.
[35] Article 1249 C.Civ. provides that:
"La réparation du préjudice écologique s'effectue par priorité en nature.
En cas d'impossibilité de droit ou de fait ou d'insuffisance des mesures de réparation, le juge condamne le responsable à verser des dommages et intérêts, affectés à la réparation de l'environnement, au demandeur ou, si celui-ci ne peut prendre les mesures utiles à cette fin, à l'Etat.
L'évaluation du préjudice tient compte, le cas échéant, des mesures de réparation déjà intervenues, en particulier dans le cadre de la mise en œuvre du titre VI du livre Ier du code de l'environnement."
("Compensation for ecological damage is primarily in kind.
Where remedial measures are not possible in law or in fact or insufficient, the judge shall order the person responsible to pay damages, allocated to the repair of the environment, to the plaintiff or, if the latter cannot take the necessary measures to this end, to the State.
The assessment of the damage shall take into account, where applicable, reparation measures already taken, in particular within the framework of implementation of Title VI of Book I of the Environment Code.") (author's translation).
[36] See paragraphs 35 to 37 of the judgment.

However, while the applicants were entitled to claim compensation in kind, the court ruled that the French State could only be held liable for the ecological damage insofar as the non-respect of the first carbon budget had contributed to the worsening of greenhouse gas emissions. The court also ordered a supplementary investigation, within two months of the notification of the judgment, in order to determine the specific measures to be ordered to the French State to repair the damage caused or prevent its worsening.[37]

Finally, the court held that the French State's failure to fulfil its obligations to fight global warming affected the collective interests defended by each of the applicants and ordered it to pay them the sum of one Euro as compensation for the non-pecuniary harm they suffered.

Some preliminary thoughts on the judgment

There is no doubt that the action taken by the four associations against the French State was no short of ambition and forced the Paris administrative court to tread on a new legal unchartered territory. They certainly ran the risk that the court might reject the claim of ecological damage, which would have likely set a negative jurisprudence on this point for years to come, thus affecting future cases. There was also a risk that the administrative court might exceed its jurisdiction *materiae ratione* and be tempted to interpret the current French law far beyond its letter and create new law.

While the four associations raised the bar very high, it is clear that the Paris administrative court raised to the challenge with high colours. It managed to recognise the existence of an ecological damage, thus opening up the way to future legal challenges pertaining to such damage, while sticking to a strict interpretation of the law. In this judgment, the court was clear as to what it could say within the law and what it could not say yet.

A follow-up of this judgment is expected soon (at the time of writing) as the court ordered a supplementary investigation within two months of the notification of this judgment with the view to disclosing to the applicants' observations made by the competent ministers. These had been requested by the court on 29 October 2020 but only disclosed on 8 January 2021.[38]

While this judgment does not yet include injunction measures against the French State, the strategy of the association is clearly to ensure that the court recognises that the State has an obligation to take all necessary measures (*obligation de moyens*) to honour its obligations to combat global warming within the trajectory of the Paris Agreement.

It is very likely that the Paris court will render its next judgment in light of the recent judgment of the French *Conseil d'Etat*, the supreme administrative court, in the case of *Grande-Synthe* of 19 Novembre 2020, in which the *Conseil* was for the first time called upon by the city of Grande-Synthe to decide on a case relating to the breach by the French State of its obligation to reduce greenhouses gases.

Considering that it did not have all the relevant and necessary information to rule on whether the refusal by the French government to take additional measures was compatible with respecting the new trajectory resulting from the decree of April 2020 to achieve the 2030

[37] See paragraph 39 of the judgment.
[38] See paragraph 39 of the judgment.

target, the *Conseil d'Etat* ordered the French Government to provide, within three months, with the appropriate explanation and any additional information not only to the court but also to the applicant and to the interveners, and ruled that, should the information provided by the Government prove to be insufficient, the court would then be able to accept the claim of the city of Grande-Synthe and quash the refusal decision by the French State to take additional measures necessary to achieve the objective of - 40 % by 2030.

Combined with the judgment of the *Conseil d'Etat,* the judgment of the Paris court opens up the way to a series of future climate litigation cases which will no doubt contribute to encouraging or forcing the French government to adopt more ambitious objectives in its fight against climate change. In this respect, it definitively deserves the "affaire du siècle" appellation.