

ENVIRONMENTAL COURT CASES ACROSS THE WORLD

Climate Change

FRIENDS OF THE EARTH ET AL. V. PREFECT OF BOUCHES-DU-RHÔNE AND TOTAL

Administrative Court of Marseille, France

Filed: 2018, Decided: April 1, 2021

FRENCH COURT ORDERS TOTAL TO STUDY CLIMATE IMPACTS OF IMPORTED PALM OIL, PARTIALLY INVALIDATES COMPANY'S PERMIT TO OPERATE BIOREFINERY

Parties

Applicant: Non-governmental organisations including Friends of the Earth France, Greenpeace France, France Nature Environment (FNE), and France Nature Environment Provence-Alpes-Côte d'Azur

Defendant: Prefect of Bouches-du-Rhône and Total

Key Facts

The applicants asserted that the Prefect of Bouches-du-Rhône failed to take the climate and other environmental impacts of palm oil production and use into account when authorising the continued operation of Total's biofuel refinery.

The Court's Decision and Reasoning

Decision

The Administrative Court of Marseille partially invalidated Total's permit to operate a biorefinery in France and directed the company to study the climate impacts of imported palm oil.

Reasoning

The court determined that the decision authorising the operation of the biofuel plant relied on insufficient information on climate impacts, and thus ordered a new study on the cumulative direct and indirect climate effects of the biorefinery project. After there is sufficient information on these direct and indirect climate effects, the regulator (the Prefect of Bouches-du-Rhône) can make an informed decision.

What now?

Total must conduct a new study on the cumulative direct and indirect climate effects associated with the palm oil production, importation, and use before the regulator can make an informed decision on the true climate impact of the biorefinery.

Key Issues

Biofuels, palm oil, imports, cumulative climate impacts, climate impact assessment

Laws and Agreements Cited

Domestic Law:

French Environmental Code

Regional Law:

European Union Directive 2009/28/EC

References

The judgment is available in French here: [Judgment](#)

For more information:

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