

Climate litigation :

Commune de Grande-Synthe v. France

- 1. Filing date :** November 2018/ January 2019
- 2. Status :** Litigation procedure
- 3. Case category :** Suit against the gouvernement
- 4. Jurisdiction :** Conseil d'Etat (highest administrative court)
- 5. Principal laws :**
 - European Convention on Human Rights (see The Hague Court of Appeal, Urgenda v. The Netherlands, 8 November 2018)
 - Paris Agreement
 - French Environmental Code
 - French Environmental Charter
 - Other provisions of domestic law, European law and international law
- 6. Summary :**

The litigation procedure initiated by the municipality of Grande-Synthe is the first climate litigation to be brought before a French court, in this case the highest administrative court, the Conseil d'Etat. The territory of the municipality is located below sea level, on Dunkirk. Natural risks induced by climate change phenomena increase the risks of marine flooding and flooding, and also complicate the management of the watering system, which is based on a drainage, lifting and drainage system. However, the municipality of Grande-Synthe is one of the municipalities in France that has probably been most involved in the fight against climate change in recent years, as indicated in the brief.

By a contentious appeal filed on 23 January 2019, the applicants referred to the Conseil d'Etat for censorship the implicit decisions of rejection resulting from the silence kept by the President of the Republic, the Prime Minister, and the Minister of Ecological and Solidarity Transition for more than two months to the preliminary requests made by the applicants. Indeed, by three separate letters dated 19 November 2018, the municipality of Grande-Synthe and Mr Damien Carême (the mayor of the municipality acting in his personal capacity) requested that the authorities concerned adopt all appropriate measures to reduce the curve of greenhouse gas emissions produced on the national territory in order to respect at least the national and international commitments already made by France.

Thus, the municipality of Grande-Synthe is particularly vulnerable to climate change and asks the Conseil d'Etat to urge the government to take useful legislative and regulatory measures to make climate priority mandatory and to prohibit any measure likely to increase

greenhouse gas emissions. The case is supported by lawyer Corinne Lepage of the law firm Huglo Lepage Avocats, assisted by lawyer Christian Huglo¹.

7. The issue in dispute :

Urge the French government to take appropriate measures to reduce the greenhouse gas emissions produced in France. The municipality will take other contentious initiatives in the coming months.

¹ Mr. Huglo published the book entitled "Le contentieux climatique : une révolution judiciaire mondiale", Editions Bruylant, June 2018, 396p.