



## HIGHLIGHTS – COUNCIL OF STATE: A MAYOR CANNOT OPPOSE THE INSTALLATION OF LINKY METERS IN HIS COMMUNE

N° 426060 - State Council - July 11, 2019

A mayor cannot oppose the installation of Linky meters in the territory of his commune. This is the conclusion of the Council of State on the mayor of the Breton municipality of Saint-Cast. A slight for municipalities strongly committed to opposition to the installation of connected meters.

Launched in 2015, the deployment of smart meters for electricity measurement by Enedis is enshrined in the law on "energy transition for green growth", and is involved in the application of European directives. At the request of ADEME, Enedis is committed to installing them in thirty-five million French homes by 2021. The problem, the Enedis initiative faces the challenge of individuals and municipalities, more than 900 prohibit the installation, which raises problems of data security and fire risks.

This ruling indicates the incompetence of the municipality of the exclusion of its status as owner of the meters, as well as the exclusion of the application of the powers of the police due to the direct attribution of competence of the State authorities. On the one hand, the Council recalls that ownership of the works of public electricity distribution networks is linked to the quality of the network's organizing authority, in this case the departmental union, and not the municipality. On the other hand, it is based on the Energy Code to increase the direct attribution of the powers of state authorities with respect to "the safety of people and property, the safe operation of the electrical system or the quality of electricity" and Compliance with noise standards and exposure to electromagnetic radiation. The Council concluded on the inapplicability of the precautionary principle based on the incompetence of the municipality: "neither the powers of the general police nor the precautionary principle allowed the mayor of Cast to make the decision to suspend the installation of the Accountants known as" Linky "in the territory of the municipality.



## Ghana: a health disaster due to electronic waste

Ghana has become in recent years one of the main lands that house electronic waste from Europe and the United States. Thousands of ready-to-use computers are boned and burned outdoors by teenagers in unsafe dumps. Objective: recover the copper, then sell it abroad. An illegal but tolerated business, with dramatic consequences for the environment and the health of workers.

After having invaded Asia for a long time (India, China, Russia ...), computers, televisions and refrigerators from Europe and the United States land in recent years in industrial quantities in the ports of West African countries, such as Ghana, Benin or Togo.

Officially, these cargo shipments at the end of their useful life are intended to be "reused". However, sending electronic equipment at the end of its useful life to these regions makes it especially possible for developed countries to avoid recycling or reprocessing devices in their territory, which is often considered too expensive and dangerous for the ambient. In Accra, the capital of Ghana, a true commercial chain was created around the traffic of "electronic waste".

The Agbogbloshie market is about 10 km long and the young people who work there are exposed to materials and substances that are particularly dangerous for their health, such as lead, mercury, cadmium and PVC.

Toxic substances released during cremation also pollute the canal and soil of the landfill, where cows and sheep graze in the middle of the bodies of computers.



## CIRCULAR ECONOMY: THE ANTI-WASTE BILL FOR A CIRCULAR ECONOMY: TOWARDS AN ECOLOGIZATION OF THE MACRON BALANCE?

We remind you that Nicolas Hulot's unexpected departure from government position No. 2 denouncing the presence of lobby groups in the government. Thus we can understand the difficulties of the current incumbent Francois De Rugy, entangled in a food business ... The government's action in Ecology is very disputed and contrasts with the good results of the Greens in the European elections.

It is the opportunity for the government and Secretary of State Brune Poirson to mobilize again on the issue with the draft law against waste for a circular economy presented on July 10, 2019 at the Council of Ministers. Ambitious, the project contains emblematic measures, such as the end of the destruction of unsold products, the promotion of the use of spare parts, the creation of new channels of extended producer responsibility, REP, (especially in the toy and tobacco sectors ), the creation of a product repeatability index, the fight against planned obsolescence, the creation of a logo to inform the consumer so that the selective classification is understandable ...

On the creation of REP channels, it is about mobilizing the industrialists, who will pay an ecological contribution that integrates the cost of recycling the product (for example, cigarette butts). Specifically, this tax paid by the manufacturers will have a very strong impact on the price of tobacco and, therefore, on the consumer.

Therefore, the project addresses very current issues, driven by strong citizen demand (recycling, planned obsolescence ...). We hope to see the letter of the text that will be voted, with the hope that the mechanisms chosen are coercive and that they do not know the same fate as the Nutri score. Created in 2016 and supposedly to help consumers choose healthy products (according to ANSES, the nutritional relevance of Nutri-Score nutritional information systems is not demonstrated), the adoption of this logo on the voluntary work of industrialists was finally established.



## HYGIENE: RESIDUES OF TOXIC SUBSTANCES STILL PRESENT IN SANITARY PADS AND TOWELS

According to recent studies, glyphosate, phthalates, dioxins ..., residues of unwanted chemical substances are still present in female intimate protections (tampons and sanitary pads).

In fact, three years after its first survey on the composition of towels and tampons, the association "60 Million Consumers" has made new analyzes. The results are not encouraging, since they show the recurrent presence of glyphosate or one of its derivatives in products of important brands and even those labeled as "organic", but also of phthalates that had not been detected before. Among these undesirable substances is DEHP, a worrying phthalate that is suspected of damaging fertility.

While there are no studies to date on the long-term effects of these chemicals on health, 60 Million Consumers point out the risks of such chronic exposure throughout the lives

## WORK HEALTH: WHO does not recognize burnout as a occupational disease

On the 72nd World Health Assembly, held from May 20 to 28, 2019, the World Health Organization (WHO) formally adopted the new International Classification of Diseases (ICD-11). As a first step, it was announced that WHO would recognize burnout, or professional fatigue, as a work-related illness in the new International Classification of Diseases (ICD), which would have allowed better management of people with this syndrome. However, it was reversed in a statement issued on May 28, 2019. In fact, it was claimed that the burnout, which was already registered in the ICD-10 in the category "factor influencing health status" enters in the category "work-related phenomenon". Therefore, burnout is not a medical condition or a disease of occupational origin, but a syndrome, that is, a combination of several symptoms, directly related to work, which can lead to the appearance of a recognized disease, such as depression. Therefore, the use of burnout to characterize the state of exhaustion in other areas of life than the professional, for example, "exhaustion of parents", cannot take place. However, this highly criticized decision was well received by many MEPs who had already rejected a bill in February 2018 to recognize exhaustion as a professional disease.

ICD-11 also clarifies the definition of exhaustion and presents it as "a conceptualized syndrome as a result of chronic stress at work that has not been adequately managed." Therefore, it is a phenomenon related only to the professional context, so it can no longer be used in other fields. Finally, it should be borne in mind that WHO offers the three main criteria to characterize burnout syndrome, namely a feeling of lack of energy or exhaustion, abandonment of work or feelings of negativity, or work-related cynicism, and a loss of professional efficiency, thus approaching the criteria used by the MBI model (a model conventionally used to characterize burnout), as well as those used by the HAS for some years.

## JURISPRUDENCE

N ° 1810251 / 4-3 - PARIS ADMINISTRATIVE COURT - 07/07/2019

The Administrative Court of Paris, in turn, recognizes the deficiencies of the State due to insufficient measures taken in the Ile-de-France region to reduce, as quickly as possible, nitrogen dioxide and fine particle values in the air.

Three Parisian claimants suffering from various respiratory diseases requested the court to condemn the State to compensate them for the damages suffered as a result of air pollution in Ile-de-France.

The Court observes that the French State, like the other EU Member States, is restricted by European legislation (EU Directive of May 21, 2008) to develop plans for air quality in case of an invasion. exposure limit values. These values have been exceeded every year between 2012 and 2016 and the 2008 regional plan has been revised several times. The Court deduces from the persistence of excesses the inability of the regional plan to rapidly reduce pollution and, therefore, the responsibility of the State. However, it rejects claims related to compensation for the lack of evidence of the causal link between the inaction of the State and the pathologies of the applicants.

of women.

Beyond the presence of chemical products in hygienic products, it is the lack of transparency of the manufacturers that is deplorable. No regulation currently requires brands to explicitly indicate the composition of their products. Only a few brands show the composition in the package. "In the absence of a list of components, it is impossible, after an allergic reaction, to know the molecule that poses a potential problem to opt for protection using other components," laments the association, which explicitly names the most recalcitrant manufacturers.



## ENVIRONMENT: STRENGTHENING THE PRINCIPLE OF PUBLIC PARTICIPATION IN DECISION-MAKING WITH ENVIRONMENTAL IMPACT

The State Council issued a decision on Friday, July 12, which reinforces the principle of public participation in the development of decisions that affect the environment. When a regulation has an impact on the environment, the principle is that it should be put in public consultation to respect the constitutional principle of public participation. Then, a summary of all the comments collected is prepared to take into account all interested parties. However, the government often adopts regulations within an extremely short time after the end of the public consultation on these texts, despite the collection of a considerable number of observations.

However, according to Danthony's jurisprudence, a defect in the conduct of a previous administrative procedure is such as to vitiate the decision as illegal if it has been likely to influence the meaning of the decision taken or that deprived the interested parties of a guarantee, as happened in this case. The High Court declares that: "This irregularity deprived the persons who participated in the consultation of the guarantee that their opinion be duly taken into account with respect to a decision that has a direct and significant impact on the environment, staining illegality the decision taken. " By means of this decision, the Superior Administrative Court declares an order signed the day after the closing date of the consultation illegal without respecting the minimum period of four days established by Article L. 123-19-1 of the Environment Code, and without have established the synthesis of the observations collected. The author of the contested decree, namely the Minister of Ecological Transition, "cannot be considered to have taken all public comments into account." The State Council rejects the Minister's arguments that he analyzed the opinions as they were received during the consultation and that he made a summary of the first 1,000 observations, knowing that the consultation in question had resulted in 7,780 reviews. This decision, in the sense of strengthening the consideration of public opinion, could have a considerable impact, since it may call into question other texts that have been adopted with this type of procedural violation, which until then enjoyed a certain tolerance.

## DISPOSABLE WIPES: TOWARDS A POLLUTER PAYS PRINCIPLE FOR MANUFACTURERS

Cleaning, disinfecting, self-tanning, cleaning the windshield of the car or the bottom of the baby, wipes are everywhere. The French are big consumers: 4 out of 10 households use it, with an average of 7 wipes per week. Everyone agrees on its practical side, but these wipes are also a calamity in terms of recycling. In fact, they are accused of contaminating the waters due to the substances they contain, to cover the pipes and disrupt the treatment plants. It is for all these reasons that they are now in the sights of the government that, through the bill on the circular economy, plans to address these disposable wipes, which are a true ecological scourge.

This text provides in particular to extend the REP (extended producer responsibility) to new products, including the famous wipes of 2024. Clearly, the purpose of the bill is to make the manufacturer contribute by imposing Financing a collection solution and Recycling for the products you sell. The government bill is part of European legislation. A directive adopted on May 21 by the European Council on single-use plastic products creates these new EPR channels.