

The Environmental Litigation: An Unprecedented Challenge for French Justice

المنازعة البيئية: تحد غير مسبوق للقضاء الفرنسي

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Abstract :

Environmental litigation in France is experiencing rapid development, establishing itself as a distinguished legal field in addressing global environmental challenges. This type of litigation intersects with several branches of law, notably administrative, criminal, and civil law, and is grounded in key legal principles such as "the precautionary principle" and "the polluter-pays principle". Prominent cases, especially "The Case of the Century," embody a growing awareness of the climate emergency and reaffirm the State's responsibility in this regard. Within this framework, environmental justice in France is witnessing a notable strengthening of the role of judges and an expansion of mechanisms for public participation, reflecting the profound transformation this field has undergone. This transformation is clearly manifested in the advanced recognition of the right to a healthy environment, which has become a fundamental pillar in reconciling the demands of economic development with the imperatives of environmental protection.

Keywords: Environmental litigation; Administrative judge; Climate change; Ecological damages; Administrative judge.

ملخص:

تشهد المنازعة البيئية في فرنسا تطورا متسارعا جعل منها مجالا قضائيا متميزا في مواجهة التحديات البيئية العالمية. ويتقاطع هذا النوع من التقاضي مع عدة فروع من القانون، وعلى رأسها القانون الإداري، الجنائي، والمدني، كما يستند إلى مبادئ قانونية محورية، مثل المبدأ الوقائي ومبدأ "الملوث يدفع". وتجسد القضايا البارزة، وعلى وجه الخصوص "قضية القرن"، إدراكا متزايدا لحالة الطوارئ المناخية، وتأكيدا لمسؤولية الدولة في هذا السياق. وفي هذا الإطار، يشهد القضاء البيئي في فرنسا تعزيزا لافتا لدور القضاة وتوسيعا لآليات المشاركة المجتمعية، مما يعكس التحول العميق الذي عرفه هذا المجال. ويتجلى هذا التحول بوضوح من خلال الاعتراف المتقدم بالحق في بيئة سليمة، الذي بات يشكل ركيزة أساسية في التوفيق بين متطلبات التنمية الاقتصادية وضرورات حماية البيئة.

الكلمات المفتاحية: التقاضي البيئي؛ القاضي الإداري؛ تغير المناخ؛ الأضرار البيئية؛ القاضي الإداري.

Introduction:

“We do not inherit the Earth from our ancestors, we borrow it from our children.” Antoine de Saint-Exupéry¹

In the face of increasingly severe ecological crises -climate change, the accelerated loss of biodiversity, and systemic pollution of air, water, and soil - environmental issues can no longer be treated as peripheral concerns in public policymaking. Today, they constitute a structuring challenge for contemporary societies, demanding the mobilization of all legal instruments to rethink governance models, responsibilities, and even the role of justice itself.

Against this backdrop, environmental litigation has become a privileged arena where diverging interests collide: economic imperatives, ecological urgency, civic demands, and institutional inertia. Far from being marginal or merely technical, this form of litigation now lies at the heart of democratic debates and plays a vital role in reshaping the functions of the judiciary. Courtrooms have become sites where legal norms are constructed, political inaction is challenged, and new forms of accountability emerge. French courts especially administrative jurisdictions are increasingly called upon to adjudicate cases involving failures to act, contested permits for urban planning, or claims for ecological damage.

This shift signals a profound transformation in the judicial role when addressing environmental concerns. Judges are no longer simply guardians of legality; they are increasingly seen as arbiters of societal choices, protectors of fundamental principles, and, at times, actors in ecological transition. They must navigate complex, technical disputes rooted in uncertain scientific data yet with potentially irreversible consequences for present and future generations.

Thus, can environmental litigation still be considered ordinary litigation, or is it an extraordinary type of litigation, symbolizing a new era for French justice?

This central question calls for a detailed analysis of the legal, procedural, and symbolic dynamics at play within environmental litigation. It challenges us to consider whether the law, in its current structure, is capable of rising to the demands of ecological urgency, or whether this field is progressively giving rise to a new legal paradigm one that redefines the contours of justice itself.

To address this issue, the present article will explore the specificities of environmental litigation in France through a four-pronged approach:

I. Structural specificity: A transversal and complex litigation, as it draws on multiple branches of law simultaneously and engages legal mechanisms at the local, national, European, and international levels;

II. A procedural specificity: an innovative and evolving approach, where scientific expertise, constitutional principles, and citizen participation are reshaping traditional judicial dynamics.

III. Expanding litigation, which reflects both the scale of today’s ecological challenges and a growing societal willingness to seek judicial remedies in the face of governmental shortcomings.

IV. A symbolic specificity: a litigation bearing major societal stakes, where tensions between economic development, intergenerational justice, and the right to a healthy environment are increasingly crystallized.

This analysis, grounded in recent French jurisprudence, aims to explore the place of environmental litigation in the architecture of contemporary law, as well as its capacity to steer institutional trajectories toward a more robust and effective ecological justice.

I. A Structural Specificity: A Transversal and Complex Litigation

Environmental litigation, in its structural configuration, reveals a particularly singular dimension within the French legal landscape. Unlike traditional disputes that are confined to one area of law, environmental disputes transcend legal boundaries, institutions, and jurisdictions. They draw on administrative, civil, and criminal law, while also being deeply shaped by European and international norms. This multidimensionality is not merely a legal characteristic it is the mirror of ecological reality itself: a reality that is hybrid, globalized, and interdependent.

In a context where the degradation of ecosystems affects air quality, soil fertility, water resources, biodiversity, and climate stability simultaneously, legal responses cannot remain fragmented. Pollution does not respect administrative borders, nor do greenhouse gases stop at national frontiers. Consequently, environmental harm requires a legal treatment that is both holistic and systemic capable of encompassing the technicalities of permits, the rights of communities, the responsibilities of polluters, and the obligations of states under supranational agreements.

This structural complexity imposes a twofold challenge on the legal system: on the one hand, it demands increased coordination between different branches of law and levels of governance; on the other, it requires the legal apparatus to evolve toward an integrated model of environmental justice. Judges must navigate between sources of law, hierarchies of norms, and competing public and private interests all while ensuring coherence in the face of ecological urgency.

Furthermore, this structural configuration calls into question the traditional compartmentalization of legal expertise. Legal professionals, especially judges, are increasingly required to interpret technical regulations, assess environmental impact assessments, and apply international climate principles, sometimes simultaneously. The result is the emergence of a new judicial culture one that blends legal reasoning with ecological understanding, and one that challenges the traditional boundaries of legal knowledge.

Therefore, far from being a marginal branch of law, environmental litigation is reshaping the very structure of legal reasoning and institutional interaction. It is not only a reflection of the ecological crisis but also an engine for legal transformation, inviting the entire legal system to adapt to the complexity of living systems and the interconnectedness of modern environmental risks.

1. Administrative Law at the Core of Environmental Litigation

Administrative law plays a central role in environmental litigation, as most of the contested decisions are made by public authorities. These decisions concern, notably, environmental authorizations, such as those for classified installations for the protection of the environment

(ICPE), often granted to industrial companies, local urban planning plans (PLU), and infrastructure projects likely to have significant ecological impacts, as well as police administrative decisions aimed at preventing or limiting environmental nuisances (e.g., prefectural orders). The administrative judge intervenes to control the legality of these acts and may, for example, annul a construction authorization when it contravenes environmental standards or the precautionary principle. In this sense, administrative law is a cornerstone of environmental litigation, ensuring a balance between environmental protection and economic development imperatives.

2. Criminal Law: Penalizing Environmental Offenses

Criminal law plays a role in environmental litigation by penalizing behaviours that harm the environment. Among the most common offenses are illegal pollution, such as unauthorized industrial discharges or toxic spills in natural environments², and the destruction of protected species or their habitats³, which is heavily sanctioned⁴. Violations of waste management rules, such as abandonment or illegal management of hazardous substances, are also frequent environmental crimes. These offenses can lead to severe penalties, including heavy fines, imprisonment, or obligations to repair ecological damage. In this respect, environmental criminal law serves as a key deterrent in the fight against severe ecosystem destruction.

3. Civil Law: Repairing Ecological Damages

Civil law plays a crucial role in compensating environmental damages. With the progressive recognition of ecological damage⁵, civil courts allow victims of pollution or ecological harm to seek compensation. Municipalities or environmental protection associations can demand the restoration of degraded sites or damaged ecosystems. This approach emphasizes the responsibility of polluters, particularly through the application of the "polluter pays" principle⁶. It aims to restore ecological balances, going beyond mere financial compensation for victims.

4. European and International Law: Determining Supranational Norms

French environmental litigation is also influenced by European and international norms, which are a major source of law in this area.

- **At the European level**, directives from the European Union (such as those on water⁷, air⁸, or waste management)⁹ impose obligations on member states. If these are not met, appeals can be made to the Court of Justice of the European Union (CJEU).
- **At the international level**, agreements such as the Paris Agreement¹⁰ or the 1992 Rio Convention¹¹ impose environmental objectives on states, which are sometimes integrated into domestic law.

This structural plurality- administrative, civil, criminal, European, and international- gives environmental litigation its unique legal architecture. It is not simply a combination of legal tools but a convergence of normative orders responding to the profound complexity of ecological harm. This transversality not only enriches the legal reasoning available to judges and litigants but also challenges traditional compartmentalizations of law, calling for greater coherence, dialogue between jurisdictions, and the emergence of a truly systemic legal response to environmental degradation. In this sense, environmental litigation is not only structurally complex it is structurally transformative, pushing the French legal system to evolve toward more integrated, interdisciplinary, and ecologically conscious justice.

I. A procedural specificity: an innovative and evolving approach

A Complexly and Technical Regulatory Framework Environmental litigation is distinguished by particularly dense and technical regulation, reflecting the complexity of the ecological and legal challenges it encompasses. In France, the Environmental Code is one of the pillars of this regulation, but it exists within a much larger framework, including the Environmental Charter of 2005¹², which has constitutional value, as well as numerous European and international norms. These, like EU directives or international climate agreements, complement and sometimes complicate the legal obligations of public and private actors. This regulatory density is accompanied by increased technicality, particularly due to the importance of scientific expertise in environmental litigation. Whether to assess the impacts of industrial activities, model the effects of a project on biodiversity, or estimate the consequences of pollution on ecosystems, courts often rely on detailed scientific studies and expert opinions. These elements, although necessary, add a layer of complexity, as they require judges and lawyers to have a deep understanding of technical and scientific issues.

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Thus, environmental regulation is characterized by a dual challenge: the proliferation of norms that makes their application difficult at times, and an increased reliance on technical and scientific knowledge, which is essential for guiding judicial decisions. This combination makes environmental litigation demanding, requiring legal, scientific, and strategic expertise.

In addition, environmental litigation is increasingly shaped by the evolution of procedural tools and judicial creativity, which allow for greater adaptability in the face of unprecedented ecological threats. Courts are now more inclined to grant urgent interim measures to halt potentially harmful activities while awaiting a full ruling, especially in cases involving irreversible damage to ecosystems. Moreover, judges may order expert assessments during the proceedings, not only to clarify scientific uncertainties but also to strengthen the evidentiary basis for precautionary action. These procedural mechanisms reflect a growing awareness within the judiciary of the need for proactive and anticipatory justice, one that is capable of intervening before harm becomes irreparable marking a significant shift from a traditionally reactive judicial culture to one that is more responsive to ecological urgency.

III. Expanding Litigation: A Growing Field

Environmental litigation is no longer confined to isolated cases or limited legal disputes; it has become a central and expanding pillar of contemporary justice systems, especially in France. Its growing volume and influence reflect a broader transformation of how law is used to address ecological challenges not as an afterthought, but as a proactive tool of governance. This trend can be observed both quantitatively and qualitatively: on the one hand, courts are being seized more frequently by environmental actors; on the other, the legal questions they are called to adjudicate are becoming more fundamental, touching upon the responsibilities of the state, the duties of corporations, and the rights of present and future generations.

This expansion is inseparable from the rise of ecological consciousness in democratic societies. Faced with the growing gap between the urgency of environmental degradation and the inertia of political responses, legal action has emerged as a credible and often necessary recourse. Litigation becomes, in this context, both a means of contesting state passivity and a tool for demanding compliance with ecological commitments. More than ever, courts are perceived not just as arbiters of legality, but as key actors in the ecological transition.

In the French context, this movement is particularly visible through emblematic cases that have captured public attention and redefined legal precedents. These cases are no longer limited to local environmental nuisances they now encompass climate litigation, actions for the protection of biodiversity, and even attempts to assert the legal personality of nature. Thus, environmental litigation is gradually shifting from a defensive posture (remedying harm) to an offensive strategy (shaping norms), making it a privileged arena for the reinvention of law in the Anthropocene.

1. Increase in Cases Linked to Ecological Urgency

The acceleration of critical environmental phenomena, such as global warming, biodiversity loss¹³, and mass pollution, is pushing citizens, associations, and even some municipalities to turn to the courts to compel states or businesses to act. In France, the "**Affaire du Siècle**" marked a turning point in 2021¹⁴, when the Paris Administrative Court recognized the French state's responsibility for its inaction on climate change, calling this passivity a "fault" leading to ecological damage. This decision, based on unmet commitments to reduce greenhouse gas emissions, shows how climate litigation becomes a legal lever to address political inaction. Similarly, cases related to water, air, or soil pollution are multiplying. For example, legal battles against air pollution in Paris and other large cities have led the **Council of State** to impose concrete measures on the state to comply with European air quality standards¹⁵.

A Procedural Specificity: An Innovative and Evolving Approach Environmental law, particularly in the context of climate change, has seen significant developments in judicial procedures and legal protection, notably through the role of judges, participatory mechanisms, and evolving sanctions.

2. An Increased Role of Judges in Environmental Protection

The Council of State has played a central role in integrating environmental law into French administrative jurisprudence. One of the notable developments is the interpretation of the **precautionary principle**, provided by Article 5 of the Environmental Charter¹⁶. This principle requires the state to take measures to prevent serious and irreversible environmental harm, even in the absence of absolute scientific certainty about the risks. In climate-related cases, such as the "Affaire du Siècle," the Council of State ruled that the state had not taken necessary measures to meet its greenhouse gas emission reduction targets, violating the precautionary principle. In response to this failure, the court ordered the state to implement specific and effective actions, thus affirming the active role of the administrative judge in the fight against climate change.

3. The Importance of Participatory Mechanisms

One of the major developments in environmental governance has been the establishment of participatory mechanisms designed to involve civil society in decision-making processes. Public consultations, such as public inquiries and consultations on significant legislative or development projects, offer citizens and associations the opportunity to voice their positions on decisions impacting the environment. For example, the public debate on the **Citizens' Convention for Climate**, held in 2020, allowed randomly selected citizens to actively participate in discussions on policies to reduce greenhouse gas emissions. The proposals from this process had a tangible impact on government decisions, with some suggestions integrated into public policies. This consultation mechanism enhances the

legitimacy of the decisions made by ensuring better consideration of environmental concerns by the public.

4. An Evolution in Sanctions

One of the most notable developments in French environmental law has been the recognition of **ecological damage**. In the past, compensation for environmental harm could only be made through the repair of material or financial damage. Today, ecological damage refers to harm to natural elements and functions, such as the loss of biodiversity, ecosystem degradation, or air and water pollution. This concept has been endorsed by the jurisprudence, notably through the **August 8, 2016 law on the restoration of biodiversity, nature, and landscapes**, which allows for the compensation of ecological damage. Courts, including the **Council of State**, can now order the state or companies responsible for pollution or environmental destruction to repair the damage caused to the environment, even if no direct human victim can be identified. This marks an important shift in recognizing environmental damages, independent of economic consequences.

In summary, the procedural evolution in environmental law, particularly in the context of climate cases, reflects a more proactive approach by judges, a better inclusion of citizens in environmental decision-making, and increasingly stronger sanctions to address the global ecological crisis.

This multiplication of environmental disputes, far from being anecdotal, signals a deeper shift in the way law is mobilized to respond to the ecological crisis. It reveals a growing societal expectation that justice not only repair past wrongs but also actively contribute to the ecological transition. From my perspective, this development underscores the transformation of the courtroom into a strategic space for climate and environmental governance - a space where legal argumentation is used not merely to enforce norms, but to reshape collective priorities. The evolution of litigation thus mirrors the evolution of environmental awareness: it is no longer just about sanctioning damage, but about redefining the responsibility of public and private actors in the face of planetary boundaries.

II. A Symbolic Specificity: A Litigation Bearing Major Societal Stakes

Environmental litigation represents major societal challenges, particularly the ongoing tensions between economic interests and the need to protect the environment. Legal disputes related to large development projects, such as the Notre-Dame-des-Landes airport project or industrial authorizations, highlight the conflict between economic development and ecosystem preservation. These cases underscore the opposition between economic imperatives, often supported by public authorities and private actors, and environmental concerns, carried by associations, citizens, and sometimes local governments. Environmental litigation is also marked by the implementation of fundamental principles of environmental law, such as the **precautionary principle** and the **polluter-pays principle**. The former demands heightened vigilance regarding ecological risks, even in the absence of complete scientific certainty, while the latter holds poll.

Environmental litigation is also marked by the implementation of fundamental principles of environmental law, such as the precautionary principle and the polluter-pays principle. The former imposes increased vigilance in the face of ecological risks, even in the absence of complete

scientific certainty, while the latter establishes the responsibility of polluters, urging them to bear the costs of environmental damage they cause. Moreover, the recognition of the right to a healthy environment as a fundamental right constitutes a notable advancement in jurisprudence by integrating the environmental dimension into human rights.

Finally, environmental litigation extends far beyond national borders, as climate and ecological challenges are global and interconnected. Environmental cases, particularly those related to climate change, mobilize civil society across borders, amplified by the role of the media and social networks. This civic mobilization reflects a growing collective awareness of environmental issues and the need for a legal and political response to contemporary challenges. These litigations thus serve as a true platform for social and environmental issues, highlighting the universal and urgent nature of ecological problems.

In my view, this symbolic dimension of environmental litigation reveals more than a legal transformation — it illustrates a redefinition of justice itself, in light of the ethical imperatives imposed by the environmental crisis. The courtroom is no longer just the place where individual rights are balanced, but where collective futures are negotiated. The tension between growth and sustainability, often reduced to a policy debate, takes on an existential tone before the judge: what kind of development do we want? What kind of world are we legitimizing through legal decisions? These questions, increasingly present in case law reasoning and public discourse, suggest that environmental litigation acts as a mirror of society's contradictions, but also as a lever for resolving them.

Moreover, it is essential to underline the growing symbolic function of judges in environmental matters. Their decisions are no longer perceived solely through the lens of legal technique, but as acts of authority that can legitimize or challenge a development model. This symbolic charge explains why certain court rulings trigger strong media and political reactions: they are perceived not only as legal outcomes but as statements of values, sometimes even as forms of resistance against environmental neglect. This reinforces the idea that environmental litigation is not just about settling disputes, but about structuring a normative imagination, capable of supporting a democratic and ecological transition.

This symbolic depth of environmental litigation also raises a critical issue that, in my opinion, deserves greater attention: the misalignment between legal temporality and ecological urgency. Judicial time - based on procedural guarantees, appeals, and deliberative slowness - often clashes with the fast-moving deterioration of ecosystems. This disconnect risks rendering certain rulings ineffective or obsolete by the time they are issued. It is therefore necessary to reflect on new procedural tools or exceptional mechanisms that could better integrate ecological emergency into the legal decision-making process, while preserving the fundamental rights of the parties.

More broadly, environmental litigation invites us to rethink the very subjectivity recognized by the law. Traditionally centered on human interests - individual, collective, or institutional - legal standing is now being challenged by the emergence of actors who speak for ecosystems, species, and future generations. These developments, though still marginal in French law, point to a deeper shift: the possible recognition of nature not only as an object of protection but as a subject of rights. In my view, this evolution opens a philosophical and legal debate that is as urgent as it is necessary: a debate on the place of non-human life in our legal systems, and ultimately, on the ethical horizon of justice in the Anthropocene.

Conclusion:

Environmental litigation, far from being a marginal or technical domain, now stands at the forefront of a profound legal and societal transformation. It represents not only a response to ecological degradation but also a structural challenge to the very foundations of legal thought and practice. The increasing recourse to the judiciary to address climate inaction, ecological damage, or biodiversity loss reveals a crisis of political will and institutional inertia. At the same time, it highlights the growing symbolic, normative, and operational role of courts in the ecological transition.

Throughout this article, we have shown how environmental litigation, through its structural, procedural, and symbolic specificities, is contributing to the reconfiguration of French legal systems. Administrative, civil, and criminal courts are no longer merely applying environmental norms — they are actively shaping them. Through their rulings, judges establish new balances between competing interests, reinterpret fundamental principles in light of ecological urgency, and sometimes even innovate legal reasoning to meet the challenges of the Anthropocene.

Yet this evolution, though promising, remains fragile. Environmental law is still marked by fragmentation, technical complexity, and limited enforceability. While judges have begun to take on a central role in environmental protection, their action remains constrained by insufficient legislation, lack of expertise, and the absence of a unified institutional framework. Moreover, the symbolic power of landmark decisions -such as those affirming the existence of ecological damage or condemning state inaction - must now be translated into long-term structural reforms.

In my view, environmental litigation offers not just a space for contestation, but a genuine opportunity to redefine the function of justice in contemporary societies. It challenges us to rethink the very subject of law no longer limited to humans or legal persons, but possibly extended to future generations, species, and ecosystems. This legal innovation must go hand in hand with a renewed ethical vision: one where law is at the service of the planet, not only the market.

Recommendations

To foster this transformation and respond meaningfully to the environmental crisis, several concrete and strategic measures should be implemented:

1. Strengthen education and awareness: Introduce environmental legal education from an early age and throughout professional training in order to instill ecological consciousness across all sectors of society. The goal is to form legally aware citizens — and environmentally responsible legal professionals.
2. Establish a specialized environmental judiciary: Create an official legal status for environmental judges, equipped with scientific and ecological expertise, to ensure consistency and effectiveness in the handling of increasingly complex and technical environmental cases.
3. Break down legal silos: Move beyond the compartmentalization of legal disciplines (administrative, civil, criminal, commercial) by promoting a systemic and interdisciplinary reading of environmental issues, which often transcend traditional legal boundaries.
4. Strengthen environmental regulatory frameworks: Adapt existing laws to emerging ecological threats (biodiversity erosion, technological risks, climate justice), and ensure their real-world effectiveness through robust enforcement and deterrent sanctions.

5. Encourage interdisciplinary collaboration: Actively involve scientists, ecologists, economists, and philosophers in legal debates, so as to enrich legal reasoning and support informed decision-making by legislators and judges.
6. Implement post-judicial evaluation mechanisms: Develop monitoring tools to assess the real environmental impacts of court rulings and adapt legal frameworks in light of empirical findings.
7. Enhance citizen participation: Ensure effective access to environmental information and legal remedies for individuals and NGOs, particularly by fully implementing the Aarhus Convention on access to justice and public participation in environmental matters.
8. Invest in continuous training for legal professionals: Integrate mandatory modules in environmental law and science into both initial and lifelong training for judges, lawyers, and public servants.
9. Leverage digital tools for environmental justice: Harness technologies such as drones, sensors, and artificial intelligence to gather evidence, monitor environmental offenses, and improve the efficiency and accessibility of judicial processes.

These recommendations are not exhaustive, but they reflect an urgent need to reposition law as a tool not only for protecting rights, but for anticipating crises and building long-term ecological resilience. The future of environmental justice will depend on our ability to transform the judiciary from a reactive body into a proactive and visionary institution one that aligns law with the ethical imperative of preserving the Earth as a shared and finite common good.

In this perspective, legal institutions, civil society, and political actors must work together to construct a future where justice serves not only humanity but life itself. This vision calls for a profound reorientation of our legal imagination, toward a jurisprudence that does not only protect the rights of humans, but also safeguards the integrity of the living world. As environmental philosopher **Aldo Leopold** aptly wrote: **“A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise.”**

It is time for justice to speak the language of life not merely through statutes and codes, but through a renewed ethical contract with nature, one that acknowledges our interdependence and our duty of care toward future generations.

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2. The French legislator penalizes the pollution of surface and groundwater, particularly in cases of illegal discharges of hazardous substances, with fines of up to 3.75 million euros for legal entities and imprisonment sentences of up to 10 years. See: Article L. 216-6 of Law No. 92-646 of July 13, 1992, concerning waste management, published in the Official Journal on July 14, 1992, amended by Law No. 2018-1021 regarding the fight against food waste and the circular economy, published in the Official Journal on November 23, 2018.

3. Article L. 521-1 of Law No. 95-102 of February 2, 1995, relating to the strengthening of environmental protection, published in the Official Journal on February 3, 1995, penalizes acts of cruelty towards animals, particularly in the context of the illegal destruction of protected species, with severe penalties including prison sentences.
4. Article L. 541-46 of Law No. 92-646 of July 13, 1992, relating to waste disposal and environmental protection, *op. cit.*, severely sanctions violations related to waste management, particularly illegal treatment or abandonment, with fines of up to 75,000 euros.
5. Ecological damage is defined as harm caused directly or indirectly to environmental elements (water, air, soil, biodiversity, etc.), regardless of damage to persons or property. It concerns the degradation, destruction, or significant alteration of ecosystems, nature's services, or natural resources. See: Article 1247 of Law No. 2016-1087 of August 8, 2016, for the recovery of biodiversity, nature, and landscapes, JORF No. 0184 of August 9, 2016.
6. The "polluter pays" principle was introduced by the Organisation for Economic Co-operation and Development (OECD) in 1972 in its Recommendations on Environmental Policies. It has also been incorporated into national laws, including in France, where it is enshrined in the Environmental Code (Article L. 110-1) as a foundation of environmental policies.
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10. Paris Agreement (2015), Adopted on 12 December 2015 during COP21, and ratified by France through Law No. 2016-786 of 15 June 2016, published in the JORF of 16 June 2016.
11. Rio Convention (1992), Adopted during the United Nations Conference on Environment and Development (UNCED) on 14 June 1992, and ratified by France through Law No. 94-477 of 10 June 1994, published in the JORF of 11 June 1994.
12. The Environmental Charter enshrines fundamental principles for environmental protection, such as the precautionary principle, the right to a healthy environment, and the polluter-pays principle. It has constitutional value and guides public policies and judicial decisions in France. See Constitutional Law No. 2005-205 of 1 March 2005 relating to the Environmental Charter, Official Journal of the French Republic (JORF) No. 51 of 2 March 2005.
13. Global warming refers to the gradual increase in the average temperature of the Earth's atmosphere and oceans, primarily caused by human activity, for example, in the United States, the case of *Massachusetts v. US Environmental Protection Agency (EPA)* addressed this issue. In Europe, litigation concerning greenhouse gas emissions has intensified, particularly since the signing of the Paris Agreement in 2015. In December 2019, the Supreme Court of the Netherlands recognized the existence of a scientific consensus on the severity of climate change and ordered the Dutch government to act. See: "[Analysis] When administrative justice reminds the State of its climate commitments," Council of State, May 7, 2021, published online at: <https://www.conseil-etat.fr/actualites/decryptage-quand-la-justice-administrative-rappelle-l-etat-a-ses-engagements-climat>, accessed on 31-08-2022.
14. The Council of State orders the Government to take, within a specified period, the necessary measures to meet the greenhouse gas reduction targets in accordance with France's commitments under the Paris Agreement. It is up to the Prime Minister and the relevant ministers to act accordingly to reduce CO2 and other pollutant emissions to meet international commitments." CE, December 19, 2021, A No. 440618, published in the Lebon collection.
15. The requirements of environmental protection must be integrated into the definition and implementation of the Union's policies and actions, particularly to promote sustainable development." CE, December 9, 2024, Union professionnelle du transport et de la logistique, A No. 457029, published in the Lebon collection.
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II. French and International Jurisprudence

1. **Council of State**, December 19, 2021, A No. 440618, published in the Lebon collection.
2. **Council of State**, December 9, 2024, Union professionnelle du transport et de la logistique, A No. 457029, published in the Lebon collection.
3. **Massachusetts v. US Environmental Protection Agency (EPA)**, United States.
4. **Ruling of the Supreme Court of the Netherlands**, December 2019.

5. **Council of State, May 7, 2021**, when administrative justice reminds the State of its climate commitments.

III. General Principles of Environmental Law

1. **Polluter-Pays Principle**: Introduced by the Organisation for Economic Co-operation and Development (OECD) in 1972 in its Recommendations on Environmental Policies, incorporated into French law through Article L. 110-1 of the Environmental Code.
2. **Precautionary Principle**: Obliges public authorities to act to prevent environmental risks, even in the absence of full scientific certainty.