



## Presentation of court action “Justice for the Living World”

UNECE - Task Force on Access to Justice - Fifteenth meeting - Geneva, 4-5 April 2023

Statement by Julia Thibord, Head of strategic litigation, POLLINIS, France, under item 2(b)  
Access to justice in cases related to biodiversity protection

POLLINIS is a French NGO that aims to stop the extinction of bees and other pollinators on which all biodiversity depends.

Early 2022, POLLINIS filed a lawsuit with four other NGOs (Notre Affaire à Tous, ANPER-TOS, Biodiversité sous nos pieds, ASPAS), against the French state for its failure to protect biodiversity against pesticides.

Through this action, we are asking the court to **recognise the State’s liability for biodiversity loss resulting from deficient pesticide risk assessment and marketing procedures.**

As part of our lawsuit, we have submitted over 200 pages of written observations, based on **more than 250 scientific studies and public reports that point out both the deficiencies in pesticide risk assessment procedures and the key role played by pesticides in the collapse of biodiversity.**

This lawsuit is the result of a close collaboration between scientists and lawyers.

It is based on years of in-depth analysis, from both a scientific and legal point of view, of pesticide risk assessment procedures.

It involves an analysis of scientific literature from the last 20 years on the impacts of pesticides. It required the development of **innovative legal arguments** based on pesticide legislation and on key environmental principles embedded in the French Constitution and in EU law, such as **the precautionary principle, the right to a healthy environment and the rights of future generations.**

We believe we have solid legal and scientific arguments. Every month since the filing of our lawsuit, new studies and public reports are being published that confirm the soundness of our action. We hope this lawsuit will be a stepstone towards **making states accountable for biodiversity loss** and towards **shifting to a more sustainable agricultural model.**

This lawsuit raises several issues in terms of access to justice. Among these issues, let me briefly mention the following:

Last February, more than a year after we filed our lawsuit and while the proceedings were about to close, **Phyteis, the French professional association representing all major agrochemical companies filed a motion to intervene**. As a result, the court reopened the proceedings, thus delaying the judgement of the case. Phyteis has brought many procedural arguments which challenge the admissibility of our lawsuit, so as to try and avoid a judgement on the merits. On the merits, Phyteis makes what we consider to be tendentious allegations, based on studies emanating from the industry. While these allegations and studies are contradicted by the scientific evidence and the findings of regulatory agencies we have put forward, they tend to complexify an already complex and technical case and to divert the attention from the main scientific and legal issues at stake. It also raises the issue of access to independent environmental expertise and the capacity of courts to assess complex environmental risks and procedures.

Many thanks for your attention.