



## **Pesticide newsletter**

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### **Jurisdictional news**



#### **France: The elaboration of departmental charters of commitments on pesticides is contrary to the Constitution**

In a decision rendered on March 19th, 2021, the Constitutional Council [ruled](#) that the procedure for drawing up departmental charters of commitments on pesticides was contrary to the Constitution. The charters of commitment aimed to halve the already ridiculously small distances between pesticide spraying and homes or living areas, in exchange for good practices and the use of anti-drift devices, and in consultation with local residents. From now on, any person can participate in the elaboration of these charters, whether or not he or she is a resident of the area concerned.

This decision comes in response to a priority question of constitutionality posed by the Council of State following the appeal brought by 9 associations, including our partners *Génération Futures* and *Collectif de Soutien aux Victimes des Pesticides de l'Ouest*, contesting the conditions of the debate surrounding the protection of residents living near areas affected by the use of pesticides, particularly during the period of pandemic.

Until then, the Rural Code provided that charters relating to the use of pesticides must be subjected to consultation between people living near areas likely to be treated, or their representatives (Rural and Maritime Fishing Code, L. 253-8, III). The Constitutional Council considers that these provisions are contrary to article 7 of the Charter of the Environment, which is part of the constitutional bloc. This article stipulates that "Every person has the right, under the conditions and within the limits defined by the law, to access information relating to the environment held by the public authorities and to participate in the preparation of public decisions having an impact on the environment". It means that the mere representation of people living near areas likely to be treated with pesticides, as provided for in the charters of commitments, does not correspond to the constitutional imperative of broad participation imposed by article 7 of the Charter of the Environment.

The decision of the Constitutional Council amounts to authorizing any person, whether close to the places concerned or not, to participate in the consultation. It is possible for all the inhabitants of France to take part in the elaboration of departmental charters of commitments. However, the decision is only valid for future charters and does not apply to those that have already been adopted.

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