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\* Sherpa



## PRESS KIT / 23rd OCTOBER 2018

#MobilisationTOTALe

#LesTerritoiresQuiSeDéfendent

1/ PRESS RELEASE

2/ WHO ARE THE ACTING CITIES AND ASSOCIATIONS ?

3/ WHAT ARE THEY ASKING FOR ?

4/ INTERNATIONAL CONTEXT

5/ QUOTES

6/ ANNEXES: LETTER TO TOTAL / INTRODUCTION OF THE 13 CITIES /  
LEGAL INFORMATION / PARTNERS AND ALLIES



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1/ PRESS RELEASE

October 23rd, 2018

## 1,5 ° C: 13 FRENCH LOCAL AUTHORITIES AND 4 NGOS ASK THE FRENCH OIL COMPANY TOTAL TO PREVENT GLOBAL WARMING

Following the release of the latest IPCC 1,5°C report, 13 cities & 4 French NGOs call on the French oil giant Total to take into account the impacts of its activities on climate, as requested by French law. As a matter of facts, the recent law 'devoir de vigilance' (duty of vigilance law) requires the biggest French companies to assess and prevent their impacts on human rights and the environment. The first vigilance plan of Total SA fails in doing so, pushing local communities / cities and NGOs to request the company to comply with its obligations.

19th biggest polluter globally, Total is responsible for considerable GHG emissions, which represent more than the two thirds of the emissions emitted by the country (311 Mteq CO2 for Total, and 463 Mteq CO2 for France in 2015).

The cities and local communities of Arcueil, Bayonne, Bègles, Correns, Est ensemble, Grande-Synthe, Grenoble, La Possession (la Réunion), Mouans-Sartoux, Nanterre, Saint-Yon, Sevran, and Vitry-le-François, together with four NGOs: Notre Affaire à Tous, Les Eco Maires, Sherpa and ZEA, are launching today what is the first global interpellation for awareness for an oil and gas firm with regards to the climate risks and its duty to contribute to the protection of human beings and the planet.

They request Total to conform to the climate goal fixed by the Paris Agreement to limit global warming at 1,5°C in order to prevent a climate crisis. The energy sector and in particular the fossil fuel companies are just as responsible as the states in the context of climate change and must therefore bring their activities in line with the trajectories proposed by the IPCC.

**If Total does not correct its vigilance plan in 2019 in March 2019, the requesting cities / local communities and NGOs could launch a legal action.**

**The global effort must be shared by all.** Through this first public interpellation, local communities and NGOs send a clear message to the whole economical world: the climate burden must be tackled by all.

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They support this action :

350 - La Fondation France Liberté Danielle Mitterrand - Nature Rights - Partager c'est sympa - REFEDD, France Nature Environnement



PARTAGER  
C'EST SYMPA





## 2/ WHO ARE THE LOCAL AUTHORITIES AND NGOS CALLING OUT TO TOTAL?

### CITIES.

All of the requesting cities are already suffering harms from the effects of global warming: rising sea levels, shoreline erosion, melting glaciers and rock breakage, new diseases, increased frequency and intensity of extreme weather events and floods, the collapse of biodiversity and the proliferation of mosquitoes ... But they are also at the forefront of the actors who engage in climate action to protect their populations from climate risks.

**Arcueil**, 21500 inhabitants: a plural city of the left (citizen, ecologist, communist and socialist), is actively working on ecological transition through the collective reappropriation of common goods (water, gardens ...), the improvement of housing, energy sectors, food, the fight against endocrine disruptors, the promotion of gentle modes of transport, the improvement of air quality, the preservation of islands of freshness. Within the Paris metropolis, Arcueil actively promotes and addresses issues related to urban agriculture and nature in the city.

**Bayonne**, 50.000 inhabitants. Second city of the department Pyrénées-Atlantiques, Bayonne has long been committed to ambitious and participative climate action plans and Agendas 21, and counts 40% of green space (160 hectares) and 40km of bike paths. Located just 3m above the sea, the city has also to face with the many weather events due to climate change. Its inhabitants are particularly engaged in the ecological transition.

**Bègles**. With 27,589 inhabitants, Bègles is a city of the heart of the Bordeaux agglomeration. Its plural left municipal majority brings together ecologists, socialists and representatives of the civil society since 1989. Political ecology is reflected in the daily actions of the municipality, for the most vulnerable people, for younger generations and for all Béglais : environmental education, development of a urban agriculture accessible to all, preservation of nature in the city, revitalization of local biodiversity, development of the energy mix, plan for accessibility and the share of public spaces for everyone and every type of mobility... Lastly but not least, the city of Bègles is also engaging in quality collective catering, takes measures to reduce food waste and recover bio-waste.

**Correns**, 893 inhabitants (83). From vegetables to grapes, from land to plate, the village of Correns (Var) is one of the few "organic villages" in France. Respecting the soil and the environment is a twenty-five year old choice. The 25 winegrowers of the village are all gone organic. Team player, sharing resources, is the village's mindset. On the children's side, the school canteen is eco-certified. For 3 €, the meal is largely composed of organic and local products. The adults sort waste and take the leadership of the compost bin. Correns is also energetically autonomous, thanks to 4,000 m<sup>2</sup> of solar panels. In thirty years, its population has doubled, a sign of a village that has become a model in terms of sustainable development.

**Est ensemble**, Territorial public institution of Greater Paris which gathers 408 000 inhabitants of 9 cities of Seine-Saint-Denis (Bagnole, Bobigny, Bondy, Pre Saint-Gervais, Lilas, Montreuil, Noisy-le-Sec, Pantin and Romainville). The East Ensemble territory project aims to bring to life a popular, ecological and solidar territory.

**Grande-Synthe**, 23,634 inhabitants. is a working town located in the Dunkirk agglomeration, famous for welcoming refugees. The city was born in 1960 for the needs of the industry and is now



suffering from deindustrialisation: 28% unemployment, 33% of households below the poverty line, 10.000 euros of annual median income. Since 2001, the city has been pursuing an ecologist policy and since 2011 it has been part of the Transition cities movement: 100% organic in school canteens, a city without endocrine disruptors, French Capital of Biodiversity, "National Grand Prix of the Trees", 100% green electricity, 75% renewable gas, eco-grazing, green, blue and black frames, popular education, signatory European Convention of Mayors, free public transport, bike bonus, premium housing rehabilitation ...

**Grenoble** is a city of more than 160 000 inhabitants, chief town of the department of Isère and third municipality of the Rhône Alpes region. Its city municipal council consists mostly of the "Citizen gathering from the Left and Ecologists". Since the beginning of their mandate, these elected officials have undertaken policies to make the city of Grenoble a sustainable city, at the service of all.

**La Possession** (on the island of Réunion), 33 000 inhabitants, is a city led by a team from a citizen-list, which is actively working on the ecological transition through sustainable development adapted to the tropical climate, the improvement of the habitat and the well-being and social cohesion, renewable energy production, efficient management of water and waste through the circular economy, healthy eating, the promotion of active modes of transport, the preservation of biodiversity, the promotion of local economic development, citizen participation and solidarity. As the only tropical ecocity on the island, La Possession promotes and carries the values of nature, well-being, dynamism, ethics and citizenship.

**Mouans-Sartoux**, the city of 10,000 inhabitants, located on the Côte d'Azur, has long been committed to the preservation of the environment. Labeled territory with Positive Energy, elected regional capital of the biodiversity, it manages in direct management the whole of the public services. It has a very proactive policy in favor of the relocation of agriculture on its territory in a very tense land context. Mouans-Sartoux is recognized for its unique approach to the level of catering by offering a 100% constant supply local bio in canteens and nurseries with a supply of vegetables from his farm municipal control.

**Nanterre** is a city of 91,000 inhabitants, located in Île-de-France. Dynamic city, it welcomes 96 000 employees and 31 000 students. The city council, elected in March 2014, is made up of a majority of communist and various left-wing elected representatives. The city is involved in numerous programs aimed at responding to environmental and climatic challenges: fighting against climate change (Territorial Climate Plan), limiting nuisances and reducing environmental risks, preserving biodiversity, adopting responsible modes of production and consumption.

**Saint-Yon**, city of 890 inhabitants, the city council (not labelled) develops a sustainable development policy based on an Agenda 21, a program resulting from long dialogues with the population. The city won the Île-de-France regional council award for "ecological neighbourhood".

**Sevran**, city of more than 50 000 inhabitants, is located in Seine-Saint-Denis, in Île-de-France. It is a young city, of which more than 25% of its population is under 15 years old. Since 2001, it has been putting in place a real energy transition and climate change policy, by cleaning up the abandoned Kodak and Westinghouse plots polluted by deindustrialisation and by preserving green spaces and opening them up to the public. It is part of the Nature 2050 plan of the *Caisse des Dépôts* for the preservation of biodiversity and the enhancement of nature in the city. It is involved in the circular economy, with the "Cycle Terre" program, which aims to recycle the excavated soil of the Grand Paris Express to transform it into raw earth building materials, in the "Territoire à Energie Positive" label (TEPOS), to the realization of a biomass boiler ...



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**Vitry le François**, 13 000 inhabitants : the left and progressive city council works actively for an ecological transition: by launching 33 projects resulting from the energy diagnosis of the territory and developing new energy systems (wind, photovoltaic...), by implementing innovative actions for housings improvement, by thinking the resilience of the city, by promoting soft means of transportation, by developing urban beehives, by working for the preservation of biodiversity... Only city that is not completely avoided by the Paris-Strasbourg highway, and with about 20 000 vehicles / day crossing the city, climate and pollution stakes are at the heart of the cities concerns.

## NGOS:



In France, the association **Notre affaire à tous** (*Our common cause - Act together for climate justice*), considers law as a subject as well as a tool of mobilization to protect the commons and the living. The association is part of the global landscape of climate litigation and aims to initiate and support legal steps in favor of social and environmental justice.



**Sherpa**

**Sherpa**, founded in 2001, has set its mission to protect and defend victims of economic crimes drawing on the power of the law and to fight against the new forms of impunity linked to globalization. The associations works to build a world where law is in service of a more mindful globalization.

**ZEA**  
**Libérons l'Océan !**

**ZEA** considers that, in order to maintain a livable planet and to limit global warming, oceans and seas must be protected. This is why they act for a moratorium on fossil fuels offshore exploration. They mobilize to obstruct offshore oil licenses, and all useless projects related to the exploitation of oils in the seas. They lobby for the protection of the ocean and the climate, and fight against pollutions at sea.



Since 1989, the association **Les Ecos Maires** has brought together mayors and elected representatives, who are involved in sustainable development and who are defending territories that value work in the service of protecting the environment. The network has now more than 2,000 member communities. The association provides methodological and institutional support, while inviting to develop a reflection on the issues of environmental protection.



### 3/ WHAT ARE THEY ASKING FOR ?

#### The IPCC sounds the alarm

In december 2015, the international community adopted the Paris agreement, which set the limits for global warming: the global average temperature must stay well below 2°C above pre-industrial levels and efforts have to be pursued to limit the temperature increase to 1.5°C. In october 2018, the IPCC approved the special report on the consequences of a global warming of 1,5°C. If the consequences of such an increase in average temperature would be huge, a warming of 2°C would be even more disastrous.

The IPCC also explained that limiting global warming to 1°5C is still possible, though only if CO2 emissions drastically decrease before 2030 (-45%), in order to achieve carbon neutrality by 2050. And to achieve this, the energy sector in particular will have to radically change: oil, coal and gas being responsible of three quarters of all greenhouse gas emissions.

It is therefore absolutely urgent to decrease our global emissions, in order to avoid experiencing an escalation of costs, as well as the loss of adaptation capacities and short and long term action possibilities.

« *To respect the Paris Agreement – a universal oath made to our children, who we can not deprive, and of whom we are the guardians – we must reach, as fast as possible and around 2050, carbon neutrality* ». Nicolas Hulot, speech to the National Assembly, 3rd of October, 2017.

The French former Minister's words, which were recently confirmed by the IPCC report, suggest that we must very quickly stop oil and gas exploration and exploitation. It also means that **oil companies must completely change their investment policies**, progressively divesting from fossil energies. Last but not least, they must acknowledge in their vigilance plans the climate risks to which they expose humanity and all living beings.

Total being part of the 20th biggest greenhouse gas emitters in the world<sup>1</sup>, we are asking the parent company to take responsibility and from now on, show vigilance, caution and loyalty, in order to contribute to the achievement of the Paris Agreement's objectives: to limit global average warming to 1,5°C above pre-industrial levels, and to hold it « to well below 2°C ».

#### Why Total ?

Total is an international company with activities on the five continents, more than 130 countries, contributing to all global damages related to climate change.

The company's emissions (311 MtoeCO2 in 2015) amount to more than two thirds of France's total emissions (463Mtoe CO2), giving the company a major responsibility in the fight against global warming. Yet, in 2017, the total production of oils reached 937 millions of barrels of oils equivalent, increasing by 9% since 2015, the year the Paris agreement was adopted.

Richard Heede's work<sup>2</sup> pointed out that the french corporate group was responsible in 2015 for about 0,7% of all GHG emissions in the world. Its proven reserves represent "20 years of exploitation, at the exploitation level of 2017"<sup>3</sup> (about 19 billions of barrels of oils equivalent). Finally, the company's

<sup>1</sup> [The Carbon Major Database](#), CDP, 2017.

<sup>2</sup> [ibid.](#)

<sup>3</sup> Total, [Document de référence](#), 2017.



Sherpa



investment in exploration for new oil deposits amounted to 1.2 billions of dollars in 2017. This policy is inconsistent with the Paris Agreement objectives of limiting global warming to 1,5°C and keeping it well below 2°C.

## Legal framework

**OECD Guidelines for Multinational Enterprises (2011)** requires that Enterprises should, “within the framework of laws, regulations and administrative practices in the countries in which they operate, and in consideration of relevant international agreements, principles, objectives, and standards, take due account of the need to protect the environment, public health and safety, and generally to conduct their activities in a manner contributing to the wider goal of sustainable development.”

**Article 7 of UN Global Compact**, which is endorsed by Total, provides that “businesses should support a precautionary approach to environmental challenges”.

**In February 27th, 2017, France adopted an innovative law on the duty of vigilance law of multinationals**, imposing these companies to establish a plan of vigilance which would define: “appropriate measures to identify and prevent risks of serious infringements to human rights and fundamental freedoms, serious bodily injury, health risks or environmental damage, resulting directly and indirectly from a company’s activities and those of its business relations (as defined by the French Commercial Code).” The vigilance plans, as well as the reports on their implementation, will be public and included in the company’s annual report.

According to Article 1 of the law, which incorporates Art. L. 225-102-4 of the French Commercial Code, the vigilance plan has to include:

1. A mapping that identifies, analyses and ranks risks;
2. Procedures to regularly assess, in accordance with the risk mapping, the situation of subsidiaries, subcontractors or suppliers with whom the company maintains an established commercial relationship;
3. Appropriate actions to mitigate risks or prevent serious violations;
4. An alert mechanism that collects potential or actual risks, developed in working partnership with the trade union organisations representatives of the company concerned;
5. A monitoring scheme to follow up on the measures implemented and assess their efficiency.

Regarding climate policies, we consider that **the common standard which should guide Total when defining its vigilance measures is defined in the second article of the Paris Agreement which set the limit of the average temperature increase to 1,5°C since pre-industrial period.** To achieve this objective, the IPCC report published the 8th of october, 2018 confirms that we must reach carbon neutrality by 2050 and that our global GHG emissions must drop by 45% before 2030, compared to 2010. The share of renewable energies must increase from 20% today in electric production to 70% in 2050. The French Parliament also recently adopted a bill to put an end to oil exploration and development by 2040<sup>4</sup>.

**This action by cities and NGOs, first public appeal to a multinational company regarding its duty of vigilance**, echoes what the law Rapporteur Dominique Potier explained to the French National Assembly : « Today, at the beginning of the XXIth century, the question is not to know whether we should be for or against companies and globalisation ; what’s at stake is to make these dynamics « bearable » around a surprisingly modern concept : loyalty. »

<sup>4</sup> Loi n° 2017-1839 du 30 décembre 2017 mettant fin à la recherche ainsi qu'à l'exploitation des hydrocarbures et portant diverses dispositions relatives à l'énergie et à l'environnement.



Our initial goal is to force Total to comply with the French legal provisions: clearly take into account climate risks and adopt adequate measures to respond it in its next vigilant plan, scheduled in March 2019. **A legal action with prior notice may be initiated in 2019 if Total does not modify its next vigilance plan for the 2018 financial year.**



## 5/ QUOTES

For **Clément Rossignol Puech**, Mayor of Bègles: "The development of the energy mix at Bègles is a reality, especially with the conversion of a former Esso-owned site into an environmental intelligence park, Newton Park. The park is home to Valorem, a specialist in wind and photovoltaics, and its innovative hybrid renewable energy production and storage plant, as well as many other pioneering startups in the fight against global warming. A thousand jobs have been created. Major groups have a clear and crucial responsibility in the current and future climatic changes and especially in the search for solutions for the energy transition of our territories. Politics must govern these changes. "

For **Damien Carême**, Mayor of Grande-Synthe, "We, mayors of the cities, are in the front line to act on our territories, to transform them, to allow to live better through a quality food for our children as well as a solidar and ecological transition and its job opportunities. We may also welcome those fleeing war and violence, many of which will be caused by climate change in the years to come. It is time for the carbon majors to stop their pollution, it is time to put an end to acts that destroy the planet and create human misery. Grande-Synthe and I are ready for it. "

For **Eric Piolle**, Mayor of Grenoble : *"Grenoble is a climate sentinel, in the heart of the Alps. Here, global warming is twice stronger and faster than elsewhere : glaciers are melting, lakes are emptying, biodiversity is decreasing, snow is missing... Yet, if the mobilization is global, the catastrophe can be avoided! 5 IPCC reports, 24 COP, thousands of appeals and petitions; and in september 2018, more than 10 000 people walked in Grenoble, and tens of thousands more in the rest of France, to speak up and ask public and private actors to step up to face this challenge. Grenoble also speaks up: raising voice will not be enough anymore, but acting is urgent. If necessary, the fight for climate and future generations will be won in court. Everyone can and must act at its scale. Civil society is warning about the situation we are facing, and therefore opens the bath. Public power can and must act as well: here in Grenoble, we are already engaged in reaching carbon neutrality: +30% cyclists since 2009, 100% green electricity, 0% nuclear and 0% fossil energy by 2022, 15 000 trees to be planted by 2030, eco buildings, etc. Carbon multinationals must also do their part and engage in the carbon revolution. I am calling on the CEO of Total to be bold and brave! This is the only way we will together respect the Paris agreement, this 'universal oath made to our children!'".*

For **Jean-Pierre Bouquet**, Deputy Mayor of Eco-Mayors, Mayor of Vitry-le-François: "Mayors must act on the causes of global warming, they can no longer simply compensate the harms caused by overconsumption, industrialization and the depletion of resources. It is our duty to find solutions to enforce the Paris Agreement. "

For **Stéphane Blanchet**, Mayor of Sevrans, "Total is one of the companies in France that emits the most greenhouse gases. Sevrans, one of the poorest cities in France, conducts energy transition actions against the effects of greenhouse gas emissions that impact its territory. The Total company, like the city of Sevrans, must make a concrete commitment in the fight against global warming to reduce the inequalities caused by it on the territories and their inhabitants. It is not just an emergency but also a question of climate and territorial justice. "

For **Marie Toussaint**, President of the NGO 'Notre Affaire à Tous': "This unprecedented action is a new step in the mobilization of local authorities and citizens to respect the Paris Agreement, protect the climate and highlight the responsibility of the so-called carbon majors. The strategic choices of these oil giants in these next years will have irreversible consequences! Companies in the energy sector need to radically reorient their investment policies. And in short, stop all fossil fuel exploration and put an end to many current projects. "



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According to **Sébastien Mabile**, partner of **Seattle Avocats**, 'The IPCC says that containing warming at 1.5°C is still possible, but that CO2 emissions will have to drop drastically by 2030 (-45%) for the world to achieve 'carbon neutrality' in 2050. The energy sector will have to make an unprecedented transition, with coal, gas and oil accounting for three-quarters of greenhouse gas emissions. This implies that the exploration and exploitation of hydrocarbon must be stopped extremely rapidly. It requires companies in the oil sector to radically reorient their investment policies in order to comply with the universal goal of the Paris Agreement. The French Duty of Vigilance Law, the first of its kind in the world, provides us with the legal basis to compel Total to take climate risk into account and take appropriate actions to reduce it.'

For **Maud Lelièvre**, deputy general of the Eco Maires, "In the wake of the alarming new report on the climate of the IPCC, the mayors, decision makers of the territories must mobilize to reduce global warming. Every half degree, every year, every choice counts. This is the meaning of this legal action by French communities against Total, as the mayors of the association can do also on harmful projects of investment in the environment in metropolitan France and overseas.

For **Olivier Dubuquoy**, from the NGO ZEA 'Total does not respect its commitments and leads us straight to disaster. Total makes the majority of its hydrocarbon production at sea and it intends to develop its activity according to the recommendations of the IEA (International Energy Agency) which indicates that it is necessary to exploit new fossil fuels. This scenario is incompatible with the commitments of the Paris Agreement. ZEA and its partners obtained respectively in 2016 and 2017 a moratorium on the exploration and exploitation of hydrocarbons in the French Mediterranean and in the metropolitan Atlantic facade. We ask again that the exploration and exploitation of hydrocarbons should be permanently stopped in all French waters (especially in French Guyana). If Total does not leave the fossil fuels in the ground, we will be numerous on their road to block their climaticidal and destructive actions to the Ocean.'

For **Sandra Cossart**, director of **Sherpa**, "Since March 2017, the biggest French corporations must invest all the technical, financial and human means at their disposal to identify and above all to prevent the risks they bring to the environment and to human rights through their global activities. Numerous IPCC scientific reports and repeated environmental disasters demonstrate the risk posed by hydrocarbons to the environment. Companies such as Total can no longer ignore this risk and must effectively implement all means to prevent and mitigate these disasters. Total must therefore do everything to combat this risk and demonstrate the effectiveness of its efforts. Yet climate change is currently completely ignored by Total's plan of vigilance. It's an aberration. "



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## 6/ PRESS CONTACTS

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## ANNEXES

### The Paris Agreement of December 12th, 2015

#### Article 2

1. This Agreement, in enhancing the implementation of the Convention, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by:

(a) Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change;

### The French Duty of Vigilance Law of March 27th, 2017 (translation provided by [European Coalition for Corporate Justice](#))

“Art. L. 225-102-4. – I. – Any company that at the end of two consecutive financial years, employs at least five thousand employees within the company and its direct and indirect subsidiaries, whose head office is located on French territory, or that has at least ten thousand employees in its service and in its direct or indirect subsidiaries, whose head office is located on French territory or abroad, must establish and implement an effective vigilance plan.

“The controlled subsidiaries or companies that exceed the thresholds mentioned in the first paragraph are deemed to satisfy the obligations laid down in this Article from the moment that the company which controls them, within the meaning of Article L. 233-3, establishes and implements a vigilance plan for the company’s operations, as well as the operations of all the subsidiaries or companies that it controls.

“The plan shall include the reasonable vigilance measures to allow for risk identification and for the prevention of severe violations of human rights and fundamental freedoms, serious bodily injury or environmental damage or health risks resulting directly or indirectly from the operations of the company and of the companies it controls within the meaning of Article L.233-16, II, as well as from the operations of the subcontractors or suppliers with whom it maintains an established commercial relationship, when such operations derive from this relationship.

“The plan shall be drafted in association with the company stakeholders involved, and where appropriate, within multiparty initiatives that exist in the subsidiaries or at territorial level. It shall include the following measures:

“1° A mapping that identifies, analyses and ranks risks;

“2° Procedures to regularly assess, in accordance with the risk mapping, the situation of subsidiaries, subcontractors or suppliers with whom the company maintains an established commercial relationship;

“3° Appropriate action to mitigate risks or prevent serious violations;

“4° An alert mechanism that collects reporting of existing or actual risks, developed in working partnership with the trade union organizations representatives of the company concerned;

“5 A monitoring scheme to follow up on the measures implemented and assess their efficiency.

“The vigilance plan and its effective implementation report shall be publicly disclosed and included in the report mentioned in Article L. 225-102.



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“A Council of State decree can add to the vigilance measures laid down in 1° to 5° of this Article. It can specify the modalities for elaborating and implementing the vigilance plan, within multiparty initiatives that exist in the subsidiaries or at territorial level where appropriate.

“II. – When a company does not meet its obligations in a three months period after receiving formal notice to comply with the duties laid down in I, the relevant jurisdiction can, following the request of any person with legitimate interest in this regard, urge said company, under financial compulsion if appropriate, to comply with its duties.

“An application may be made to the president of the court, ruling in interlocutory proceedings, for the same purpose.

**Impact assessment and explanatory statements of the law of December 30th, 2017 putting an end to research as well as exploitation of hydrocarbons**

“By retaining the low estimate of fossil carbon reserves, it is almost 80% of the reserves on which we must abandon, at least, in order to not exceed the “carbon budget” necessary to achieve the objectives.”

"The work of the Intergovernmental Panel on Climate Change (IPCC) shows that achieving the goal of limiting the temperature rise to 2 ° C since the pre-industrial era requires limiting the exploitation of fossil fuel reserves (oil, gas, coal) present in the subsoil. 80% of fossil reserves already known must remain in the ground in order to meet the temperature increase trajectory of the Paris Agreement. In this context, granting new exploration permits is inconsistent with the Paris Agreement. "



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**Translation of the letter to Total**



**Monsieur Patrick Pouyanné**

Président Directeur Général

Total SA

Tour Coupole - 2 place Jean Millier

92078 Paris la Défense cedex

**Par porteur**

**Par courrier recommandé avec AR**

Paris, October 22nd, 2018

N/Réf : Duty of Vigilance / Total SA

Dear CEO,

We have been commissioned by Christian Métairie, Mayor of Arcueil, Jean-René Etchegaray, Mayor of Bayonne, Clément Rossignol Puech, Mayor of Bègles, Michaël Latz, Mayor of Correns, Gerard Cosme, Chair of the Territorial Public Agency « Est Ensemble », Damien Carême, Mayor of Grande-Synthe, Eric Piolle, Mayor of Grenoble, Vanessa Miranville, Mayor of La Possession, Pierre Aschieri, Mayor of Mouans-Sartoux, Patrick Jarry, Mayor of Nanterre, Stéphane Blanchet, Mayor of Saint-Yon, Alexandre Touzet, Mayor of Sevrans et Jean-Pierre Bouquet, Mayor of Vitry-le-François, as well as by the NGOs “Les Eco Maires”, “Notre Affaire à Tous”, “Sherpa” et “Zéa” to challenge you on the respect of the duty of vigilance which is imposed on your corporate group and which extends to climate risks.

The territorial communities spread in seven different regions of mainland France and overseas that we represent, are already experiencing the adverse and irreversible consequences of climate change because of your activities.

The new statutory provisions of the French Commercial Code issued from the Duty of Vigilance Act of February 27, 2017, obliges you to establish a "plan of vigilance", which:

*« shall include the reasonable vigilance measures to allow for risk identification and for the prevention of severe violations of human rights and fundamental freedoms, serious bodily injury or environmental damage or health risks resulting directly or indirectly from the operations of the company and of the companies it controls (...) as well as from the operations of the subcontractors or suppliers with whom it maintains an established commercial relationship, when such operations derive from this relationship. »*

This plan must also include:



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« 1° *A mapping that identifies, analyses and ranks risks ; (...)*

« 3° *Appropriate actions to mitigate risks or prevent serious violations; (...)* ».

In accordance with the provisions of Article L225-102-4 I of the French Commercial Code, your Group has published its first "vigilance plan", integrated in your 2017 Registration Document.

It does not appear to comply with legal requirements.

It does not reflect the reality of the impacts of your activities and the risks of serious damages to the climate system that they induce.

First, the published risk map does not mention the climate change risk resulting from the global increase in greenhouse gas emissions from your own operations.

However, you explicitly acknowledge in your Registration Document that the physical effects of climate change are likely to significantly affect the Group's activities. With a clear lucidity, you specify that the Company and several of its subsidiaries are subject of requests from public authorities in different countries to finance the adaptive measures to be taken to mitigate the effects of climate change."

If your Group is itself exposed to the effects of climate change, how can you justify that third parties affected by its consequences are not affected by it?

Secondly, the vigilance plan does not include any appropriate action to mitigate the risks and prevent serious harms arising from climate change. The actions and measures adopted in your vigilance plan can certainly not tackle adequately the impacts of your group.

Richard Heede's work has shown that Total was responsible for 0.7% of all global greenhouse gas emissions in 2015, and 0.9% for the period 1988/2015.

The only "adapted actions" should be those that limit global warming to 1.5 ° C since the beginning of the pre-industrial era, an objective shared by the 197 States that signed the Paris Agreement of December 12, 2015. This objective is also reflected in Goal 13 of the "Sustainable Development Goals" adopted in September 2015 by the United Nations General Assembly, which your Group has decided to subscribe to.

These are the reasons why we are publicly requesting you about the need to bring your vigilance plan into conformity.

**The plan will have to incorporate the actions that you will not fail to adopt in terms of mitigation of climate risk and prevention of serious damage to the environment and human rights that result.**



**You will thus draw the necessary consequences for your business.**

If these major omissions were to be confirmed in the vigilance plan for the 2018 financial year, we would then be forced to sue your Group in the Court on the basis of the provisions of Article L. 225-102-4.-II of the French Commercial Code.

We remain naturally at the disposal of the one of the Lawyers whom you would like to designate and to whom you can communicate this letter.

We remain as confident that you will appreciate the importance of the issues involved in such an inquiry, beyond the mere respect of this text,

Yours sincerely,

**Sébastien MABILE & François de CAMBIAIRE**  
**Lawyer at the Paris Bar**

**Sébastien MABILE**

**François de CAMBIAIRE**