

French Corporate Climate Vigilance Benchmark - 2022

Press release

Corporate Climate Vigilance Benchmark of 27 French multinationals: The NGO Notre Affaire à Tous finds for the third year in a row persistent serious risks of non-compliance with “climate due diligence” in its new Benchmark Report

On Wednesday, July 13, Notre Affaire à Tous released its 2022 edition of the Corporate Climate Vigilance Benchmark, scrutinizing the climate due diligence measures of 27 high-emitting French multinational companies.

Since the adoption of the [French Corporate Duty Vigilance Law of 27 March 2017](#), large French companies must adopt a due diligence plan to identify and prevent grave risks of human rights and environmental abuses, including those related to climate. Just as States can be held responsible for climate inaction (like the French State in the [Grande-Synthe](#) and "[Affaire du Siècle](#)" cases), large companies also face legal and liability risks in this area.

For the past three years, Notre Affaire À Tous has published an annual report on the climate due diligence measures of French multinationals, analysing thereby compliance with the legal obligations stemming not only from the Corporate Duty of Vigilance Law, but also from other complementary legal bases, such as the obligation of environmental vigilance and the prevention of ecological damage. This report is almost exclusively based on companies' disclosures.

The key lessons of the 2022 Benchmark

No analysed company can demonstrate full compliance with all our criteria¹ concerning climate due diligence measures. The shortcomings of Société Générale, Auchan, Casino, Eiffage, Bolloré, Total Energies, Bouygues and BNP Paribas are particularly worrying.



¹ To fully comply with the legal concept of climate due diligence, companies must according to us: (criterion 1.A) fully disclose their direct & indirect emissions ; (criterion 1.B) acknowledge climate-related risks to human rights and the environment and their share of responsibility ; (criterion 2.A) adopt a strategy compatible with the Paris Agreement to limit global warming to 1.5°C; (criterion 2.B) implement coherent and effective GHG reduction actions consistent with the Paris Agreement; and lastly (criterion 3) integrate all the relevant climate information and measures into the vigilance plan.

Jérémie Suissa, Director of Notre Affaire à Tous: *"As the French High Council for the Climate (Haut Conseil pour le Climat) reminded us in its latest report, the impacts of the climate crisis on the Living are already visible and the consequences are daily and unpredictable. And we are not ready. If the State must be the pilot of the necessary transition to which France is committed, companies must also do their part. However, a majority of the companies we have analysed do not show signs of structural change. It is urgent to implement enforcement tools commensurate with the scale of the failures of these key players to carry out the climate transition."*

While the cumulative carbon footprint of the 27 multinationals evaluated amounts to 1,651.60 million tons of CO² equivalent, or nearly four times the total territorial emissions of France in 2020 (396 Mt CO₂e), our 2022 climate benchmark report highlights numerous ongoing and systemic shortcomings, in particular the following²:

- numerous persistent failures in terms of identification of indirect emissions, in particular those known as "scope 3" (criterion 1-A of the methodology) ;
- a general lack of recognition of responsibility, even though it is indisputable that everyone must do their part in fighting climate change (criterion 1-B);
- considerable companies' commitments are not aligned with the 1.5°C objective of the Paris Agreement and/or do not cover all of the companies' emissions (criterion 2-A);
- serious shortcomings in the implementation of concrete mitigation steps (criterion 2-B).
- some vigilance plans still do not sufficiently integrate climate mitigation (criterion 3).

Failure to comply with these criteria exposes companies to the risk of litigation. The courts, in the ongoing litigation against [Total](#) and [Casino](#), as well as in other potential climate vigilance cases that Notre Affaire à Tous is currently studying, will have a decisive role to play.

Beyond France, the European institutions will play a key role in the ongoing work on the [Corporate Sustainability Due Diligence Directive \(CSDDD\) proposal of the European Commission](#). This text is, since the beginning, [strongly attacked by the lobbies of the polluting sectors](#), which multiply in parallel greenwashing campaigns directed to their employees and customers.

For lessons by sector, see Annex 2.

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² See [here](#) our first 2020 Benchmark (and here the related press release containing the main results in [English](#)) and [here](#) our 2021 Benchmark.

Annex 1 - Methodology

The rating criteria of this benchmark contribute to a model for assessing the compliance of vigilance plans in climate matters. For the third year in a row, the scope of this assessment included a study of all companies' regulated information ("universal registration documents" or companies' annual reports gathering the management report, the financial and non-financial statements, the vigilance plan, etc.), enabling a comparison of companies' climate performances even if they do not include climate change in their vigilance plans. The criteria allow us to assess the overall consistency of the information and the climate commitments adopted, however, the absence of climate in the vigilance plans continues to be rated negatively.

You can find the whole methodology in the introduction of the [Benchmark 2022](#) (in French). A summary of the criteria is displayed in the footnote and bullets points above.

The 2022 Benchmark covers regulated information published by the analysed companies in 2020. At the end of 2022-beginning of 2023, Notre Affaire A Tous will release its updated 2023 Benchmark of regulated information published by companies in 2021.

Annex 2 - Lessons by sector

Construction sector: Companies do neither properly recognise climate change as a human rights and environmental risk nor the need for urgent action. The very foundations of their general policies are not consistent with a pathway compatible with the Paris agreements (depending on the case, the reference scenario or the scopes included). Scattered measures, with limited impact and/or lacking overall coherence (often all 3).

Food industry: Reporting of GHG emissions is often largely incomplete (especially indirect emissions, even though they account for the majority of the sector's emissions). Companies still do not recognize the responsibility of their group and activities in climate change. The general policies of the analysed retailers display adequate ambitions but do not provide detailed and concrete measures to achieve them. Some of their actions raise other environmental issues.

Financial: A sector with a wide disparity of effort and serious climate negligence. A majority that lacks transparency and coherence in terms of scenarios and trajectories and thus a clear strategy with quantified objectives for the 2030 and 2050 horizons. Measures that do not put an end to the massive support of these financial actors to the most emitting sectors - first and foremost fossil fuels.

Energy: A sector that now publishes its energy mix and carbon footprint. Companies of this sector do neither unanimously acknowledge the risks associated with CC nor their responsibility - which is very worrying given this is the sector releasing the most direct GHG. Disappointing overall policies that lack a concrete trajectory with clearly identified and quantified emissions reductions. Extremely limited or piecemeal measures, some of which are based on technologies that are not yet available.

Transport: The aviation sector only partially publishes indirect emissions and cannot make credible GHG reduction commitments due to the unavailability of decarbonisation technologies. The automotive sector only weakly recognises the need to act specifically on climate risks and proposes general policies that still do not integrate all of their groups' activities. Overall, the

transportation sector places a worrying reliance on environmentally counterproductive and/or unavailable technologies and methods.

Industrial: A sector that (in general) identifies better than the average all the GHG emissions sources, but does neither recognise the extent of the consequences of its activities on the Living nor its contribution to climate change. Industrial companies' commitments are limited and/or unambitious, and their concrete measures are not convincing. Climate change is barely or not at all included in the vigilance plans.