



INTERNATIONAL MEDIA BRIEF

CLIMATE CASE AGAINST TOTAL ENERGIES CAN COURTS ORDER AN OIL MAJOR TO CUT FOSSIL FUEL PRODUCTION?

Paris Judicial Court
19–20 February 2026

February 2026



*Sherpa



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1. PRESENTATION OF THE CASE



After more than six years of proceedings, a decisive hearing in the climate case against TotalEnergies will take place on **19 and 20 February 2026** before the Paris Judicial Court. For the first time in France, judges will examine whether a multinational oil and gas company can be legally required to **reduce its fossil fuel production** in line with climate objectives.

The case was brought in **January 2020** by a coalition of **14 French local authorities**, alongside civil society organisations **Notre Affaire à Tous, Sherpa, ZEA, Les Eco Maires and France Nature Environnement**. The legal action challenges TotalEnergies' continued expansion of oil and gas production despite long-standing scientific knowledge of its role in driving climate change. The claimants argue that TotalEnergies has been

aware of the climate risks associated with fossil fuels since at least the 1970s, yet has pursued a strategy combining: expansion of oil and gas production, lobbying against climate regulation, greenwashing, and influence over academic, political and civil society debates.

They are asking the court to order the company to take **concrete, enforceable measures** to bring its activities into line with a **1.5°C-compatible emissions reduction pathway**.

This is the **first climate lawsuit in France** seeking to compel a multinational oil company to stop contributing to climate change through fossil fuel expansion.

A CASE WITH GLOBAL SIGNIFICANCE

The hearing comes at a moment of rapid acceleration in **global climate litigation**. Courts increasingly recognise that climate change threatens fundamental rights and that both **states and major private actors** have legal obligations to prevent climate harm.

Recent landmark rulings and advisory opinions include: *Urgenda* (Supreme Court of the Netherlands), *Shell* (Hague Court of Appeal), *Klimaatzaak* (Brussels Court of Appeal), *Klimaseniorinnen* (European Court of Human Rights), and advisory opinions issued in 2025 by the **International Court of Justice (ICJ)** and the **Inter-American Court of Human Rights (IACHR)**.

Together, these decisions confirm that climate change undermines fundamental human rights, and that both public authorities and private companies must **"do their part"** to prevent foreseeable climate harm.

The TotalEnergies case squarely fits within this international legal trajectory. French judges will be able to rely on this growing body of jurisprudence when assessing whether TotalEnergies has failed to meet its legal obligations.

A ruling against TotalEnergies would send a strong global signal: **courts can require the world's most polluting companies to change course**.

1. PRESENTATION OF THE CASE

WHY TOTALENERGIES?

KEY FIGURES (2024):

**USD 215 BILLION
IN REVENUE**

(6th largest oil and gas company worldwide)



USD 7.7 BILLION

paid to shareholders,
composed mainly of banks, insurance companies,
pension funds, etc.



USD 17.8 BILLION

invested in fossil fuel production capacity



**3RD LARGEST
GLOBAL LNG PLAYER**
(40 MT SOLD)



**6TH LARGEST
OIL AND GAS PRODUCER WORLDWIDE**
(2.43 MILLION BOE/DAY)



1ST OIL AND GAS COMPANY
IN TERMS OF LINKS TO NEW FOSSIL FUEL PROJECTS



1. PRESENTATION OF THE CASE

TotalEnergies presents itself as a “major player in the energy transition.” In practice, however, its business model remains overwhelmingly focused on fossil fuels.

According to the scientific consensus—and to bodies such as the **International Energy Agency**—no new fossil fuel projects can be developed if global warming is to be limited to **1.5°C**, as required under the Paris Agreement.

The ICJ has underlined that failing to take appropriate measures to limit emissions, including by producing fossil fuels or granting new exploration permits, may constitute an internationally wrongful act.

TotalEnergies is one of the **20 largest historical greenhouse gas emitters** worldwide and one of the **10 largest oil and gas majors**. It is linked to at least **30 major fossil fuel expansion projects** (“carbon bombs”), representing around **70 billion tonnes of CO₂ equivalent**—more than **half of the remaining global carbon budget** for 1.5°C.

Despite this, the company plans to increase hydrocarbon production by **around 3% per year**, and maintain at least **two-thirds of its investments in fossil fuels until 2030**.

This strategy locks in decades of future emissions and deepens global dependence on fossil fuels.

THE LAWSUIT

The claimants argue that TotalEnergies’ current strategy is **incompatible with its legal duty of vigilance** under French law and with internationally recognised climate obligations.

They contend that the company has failed to: properly identify climate-related risks, adopt adequate measures to prevent foreseeable harm, and align its activities with a credible 1.5°C-compatible pathway.

At stake are not only emissions targets, but **the protection of human rights**, public health, the environment and the living conditions of current and future generations.

WHY THIS MATTERS NOW

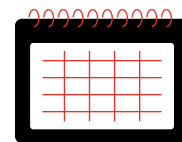
This hearing comes at a pivotal moment for climate accountability. Courts around the world are increasingly recognising that climate change poses a direct threat to fundamental rights—and that major fossil fuel producers cannot be exempt from responsibility.

For the first time in France, judges will be asked to decide whether an oil and gas multinational can be **legally compelled to reduce fossil fuel production**, not merely disclose risks or set voluntary targets. The case moves the climate litigation debate from promises and pledges to **concrete, enforceable obligations**.

The timing is critical. Scientific bodies agree that no new fossil fuel expansion is compatible with the 1.5°C limit, yet TotalEnergies continues to invest heavily in oil and gas growth. At the same time, recent landmark decisions and advisory opinions by the **International Court of Justice**, the **European Court of Human Rights**, and other courts have clarified that both states and companies have duties to prevent foreseeable climate harm.

A ruling in this case could therefore mark a **turning point**: from climate litigation focused on governments to litigation capable of reshaping the **business models of the world’s largest fossil fuel companies**. What the Paris court decides may influence cases far beyond France, as courts worldwide grapple with how to translate climate science and human rights law into binding limits on fossil fuel production.

2. **TIMELINE OF LEGAL PROCEEDINGS**



2.1 KEY DATES

2018–2019: TOTAL’S FIRST VIGILANCE PLAN FAILS TO ADDRESS CLIMATE RISKS

MARCH 2018 Under France’s 2017 Corporate Duty of Vigilance Law, Total publishes its first vigilance plan. Climate risks are entirely omitted.

OCTOBER 2018 Four NGOs and 13 French local authorities formally challenge the plan for failing to address climate change.

MARCH 2019 Following sustained pressure, Total publishes a revised vigilance plan that mentions climate change, but only partially and without adequate preventive measures.

MAY 2019 Publication of the report “Total: the Climate Chaos Strategy” by Notre Affaire à Tous, 350.org and Friends of the Earth France, documenting the inadequacy of Total’s climate strategy.

JUNE 2019 A formal legal notice is served on Total by a coalition of NGOs and local authorities after dialogue with the company’s CEO fails to produce substantive change.

2020–2021: CASE INITIATED AND JURISDICTIONAL BATTLE

JANUARY 2020 The coalition brings the case before the Nanterre Judicial Court. France Nature Environnement and the Centre-Val de Loire Region join the proceedings.

OCTOBER 2020 Total challenges the court’s jurisdiction, seeking to move the case to the commercial courts.

FEBRUARY 2021 First procedural victory for the claimants: the Nanterre Judicial Court confirms its jurisdiction.

NOVEMBER 2021 The Versailles Court of Appeal upholds this decision.

2022–2024: DELAYS, ADMISSIBILITY FIGHT, AND BREAKTHROUGH

DECEMBER 2021 FEBRUARY 2022 Exclusive jurisdiction over duty of vigilance cases is transferred to the Paris Judicial Court, where the case is reassigned.

SEPTEMBER 2022 Amnesty International France and the cities of Paris, New York and Poitiers intervene in support of the claimants.

SEPTEMBER 2022 TotalEnergies raises new procedural objections seeking dismissal without examination of the merits.

FEBRUARY 2023 The coalition requests interim measures to suspend new oil and gas projects pending judgment.

JULY 2023 The Paris Judicial Court declares the action inadmissible on procedural grounds.

NOVEMBER 2023 The coalition appeals.

MARCH 2024 Hearing before a newly created chamber of the Paris Court of Appeal specialising in duty of vigilance and environmental liability cases.

JUNE 2024 Milestone ruling: the Court of Appeal declares the action admissible, clearing the way for a judgment on the merits.

SEPTEMBER 2024 The case is transferred to the dedicated duty of vigilance chamber of the Paris Judicial Court.

2025–2026: MERITS PHASE

APRIL 2025 JANUARY 2026 Exchange of written submissions on the merits.

19 ET 20 FEBRUARY 2026 Hearing on the merits before the Paris Judicial Court.

2. **TIMELINE OF LEGAL PROCEEDINGS**

2.2 **HEARING SUMMARY** **(19–20 FEBRUARY 2026)**

The coalition is represented by **Attorneys Sébastien Mabile, François de Cambiaire, Chloé Delamourd and Camille Chaffard-Luçon.**

Thursday, 19 February 2026

Legal arguments on the French Corporate Duty of Vigilance Law

- Scope of the French duty of vigilance, including environmental and climate obligations
- Whether climate risks and damage must be addressed in a vigilance plan
- Scope of emissions (Scopes 1, 2 and 3)
- Extent of judicial review, including courts' power to order injunctions

Review of TotalEnergies' vigilance plan

- Examination of the company's 2024 vigilance plan
- Adequacy of risk mapping, mitigation measures and monitoring mechanisms
- Injunctions requested under the Duty of Vigilance Law

Friday, 20 February 2026

Witness hearings

→ **Valérie Masson-Delmotte**

(former Co-Chair, IPCC Working Group I)
Expert Testimony on the scientific consensus on climate change and methods of causal attribution.

→ **Céline Guivarch**

(Lead Author, IPCC Working Group III)
Expert Testimony on global emissions trajectories, mitigation pathways and compatibility with the 1.5°C objective.

→ **Christian Gollier**

(economist, climate and energy specialist)
Expert Testimony on economic responsibility, climate risks and the role of carbon pricing.

Expert appointed by TotalEnergies

→ **Fabien Roques**, Executive Vice-President at Compass Lexecon
Presentation of the economic analysis commissioned by TotalEnergies on energy systems, transition scenarios and decarbonisation challenges.

Statements by the parties

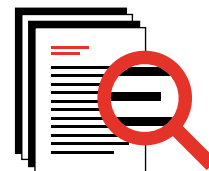
→ **Paul Mougeolle** (Notre Affaire à Tous) for the coalition

→ **Aurélien Hamelle** President for Strategy & Sustainability and member of the Executive Committee of TotalEnergies

Final legal arguments

- Application of **Article 1252 of the French Civil Code** (environmental liability and prevention of ecological damage)
- Measures requested on this legal basis
- Final observations

3. **LEGAL ANALYSIS**



3.1 **THE FRENCH DUTY OF VIGILANCE LAW: CLIMATE OBLIGATIONS FOR MULTINATIONAL COMPANIES**

The legal action against TotalEnergies is primarily based on France's **2017 Duty of Vigilance Law**, a landmark piece of legislation adopted in response to repeated human rights and environmental abuses involving multinational companies.

The law applies to large French companies and requires them to **develop, publish and effectively implement a "vigilance plan"** designed to identify and prevent serious risks to human rights and fundamental freedoms, health and safety, and the environment, arising from the activities of the company, its subsidiaries, and its subcontractors or suppliers.

At the core of the law is a requirement to conduct **robust risk mapping** and to adopt **concrete, adequate and effective preventive measures** proportionate to those risks. Courts are empowered to exercise **judicial oversight** over both the content of vigilance plans and their implementation.

Where a company fails to comply, the law allows any affected person or organisation to seek **injunctions** requiring the company to comply with its obligations (preventive action), and **compensation for damage** that could have been avoided had the duty of vigilance been properly fulfilled.

A first test of climate vigilance in court

The TotalEnergies case will require French judges, for the first time, to rule explicitly on the application **of the Duty of Vigilance Law to climate change**.

The court will be asked to determine:

- whether TotalEnergies was required to identify climate-related risks linked to its fossil fuel production activities,
- whether the measures adopted by the company are adequate to prevent or reduce those risks, and
- whether the court can order **specific injunctions**, including halting new fossil fuel projects and aligning the company's activities with a **Paris Agreement-compatible trajectory**.

Does the duty of vigilance apply to climate change?

TotalEnergies argues that climate change falls outside the scope of the Duty of Vigilance Law, claiming that it is a global, multifactorial phenomenon for which no single company can be held responsible.

The claimants strongly dispute this interpretation.

The law explicitly covers **all serious environmental risks**, as well as their impacts on human rights and health. Its wording is deliberately broad and technology-neutral. In practice:

- the majority of large companies already include climate risks in their vigilance plans, including TotalEnergies itself;
- national and international bodies — including France's National Consultative Commission on Human Rights (CNCDH), the United Nations and the OECD — recognise that companies must address climate risks as part of their duty of vigilance obligations.

The court will therefore have to decide whether climate change is a legally relevant environmental risk under the Duty of Vigilance Law — a question with far-reaching implications for corporate climate accountability.

3. **LEGAL ANALYSIS**

Scope 3 emissions: responsibility for the use of fossil fuels

A central issue is the treatment of **Scope 3 emissions**, which arise from the use of TotalEnergies' oil and gas products by end users. These emissions represent **around 90% of the company's total greenhouse gas footprint**.

TotalEnergies claims that it bears no responsibility for these emissions, arguing that they are entirely attributable to its customers.

The claimants argue the opposite. Scope 3 emissions,

they contend, are the **direct and foreseeable consequence of the company's core business model and strategic decisions**. TotalEnergies determines what volumes of fossil fuels are produced, marketed and sold, and therefore exercises decisive control over the emissions generated by their use.

The court will have to rule on whether a company's duty of vigilance can exclude the vast majority of its climate impact — or whether it must cover the **full emissions footprint resulting from its activities**.

A PIONEERING FRENCH LAW — AT A MOMENT OF EUROPEAN DEREGULATION

France's Duty of Vigilance Law has served as a global reference and directly inspired the **EU Corporate Sustainability Due Diligence Directive (CSDDD)**, adopted in 2024.

However, this European framework is currently under significant political pressure. In late 2025, the European Parliament adopted a "simplification" package (known as **Omnibus I**) that removes the obligation for companies to adopt a climate transition plan aligned with the Paris Agreement. The proposal was backed by an unprecedented alliance of right-wing and far-right parties and is expected to be finalised in the coming months.

In parallel, several large companies — including TotalEnergies, Exxon, with the support of the Trump Administration — have actively lobbied for the weakening or even repeal of the CSDDD, arguing in the name of competitiveness against binding climate obligations.

Against this backdrop, the TotalEnergies case places the French judiciary at the centre of a broader struggle over whether **binding corporate climate duties** will be upheld or dismantled in Europe.

3. **LEGAL ANALYSIS**

3.2 **ARTICLE 1252 OF THE FRENCH CIVIL CODE: PREVENTING IRREVERSIBLE CLIMATE DAMAGE**

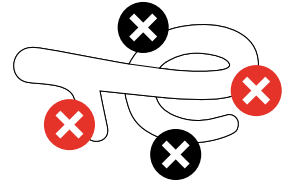
In addition to the Duty of Vigilance Law, the case is also based on **Article 1252 of the French Civil Code**, which provides a preventive mechanism under French civil liability law.

Introduced by the **2016 Biodiversity Act**, Article 1252 allows any person with a legitimate interest to bring legal action to **prevent or stop environmental damage**, independently of compensation claims. Its purpose is to allow **preventive judicial intervention** before irreversible harm occurs.

This preventive logic is particularly relevant to climate change. Greenhouse gas emissions persist in the atmosphere for decades, meaning that delays in action significantly amplify long-term damage. Relying on Article 1252 — and consistent with landmark foreign cases such as the Shell ruling in the Netherlands — the coalition asks the court to recognise that TotalEnergies has an obligation to **take reasonable measures to prevent foreseeable climate damage** resulting from its massive greenhouse gas emissions.

The court will therefore be asked not only to assess compliance with corporate duty of vigilance obligations, but also to determine whether **civil liability law can be used to prevent large-scale climate harm before it becomes irreversible**.

4. **TOTALENERGIES' ALLEGED FAILURES**



4.1 A SPECIFIC RESPONSIBILITY COMMENSURATE WITH ITS SCALE AND INFLUENCE

TotalEnergies is one of the world's largest oil and gas companies. Alongside other major fossil fuel producers (Chevron, Shell, ExxonMobil), it has played a significant role in generating the greenhouse gas emissions driving climate change. However, the claimants argue that TotalEnergies bears a **specific responsibility**, given:

- the **scale** of its fossil fuel production,
- the **central role** fossil fuels play in its business model, and
- its **political, economic, cultural and media influence**.

For decades, TotalEnergies has deployed strategies aimed at shaping public perception, regulation and social understanding of energy and climate issues. Since its rebranding in 2021, the company has heavily promoted its role in the "energy transition," highlighting investments in renewables, electricity and its stated objective of carbon neutrality by 2050.

Yet fossil fuels continue to dominate its activities. TotalEnergies remains:

- the **world's third-largest LNG company**, and
- the **sixth-largest oil and gas producer globally**.

At the same time, it continues to develop several new oil and gas projects. The coalition argues that this strategy is **incompatible with the company's duty of vigilance** and with the objectives of the Paris Agreement.

4.2 INSUFFICIENT IDENTIFICATION OF CLIMATE RISKS

Under the Duty of Vigilance Law, a company's vigilance plan must be based on comprehensive **risk mapping**, identifying serious risks to human rights and the environment arising from its activities, those of its subsidiaries, and its value chain.

According to the claimants, TotalEnergies' vigilance plan fails at this first step.

Rather than identifying climate change as a risk **caused or aggravated by its own activities**, TotalEnergies presents global warming as the result of human activity in general, particularly energy consumption. In doing so, it avoids linking climate risks to its core business model: the extraction, marketing and sale of fossil fuels.

Most notably, the company excludes from its risk mapping the impacts of its **Scope 3 emissions**, generated by the use of its oil and gas products. These emissions account for around **90% of its total greenhouse gas footprint**, yet TotalEnergies attributes them solely to its customers.

The coalition argues that this approach is inconsistent with the logic and objectives of the Duty of Vigilance Law and deprives the plan of its preventive function.

4. LES MANQUEMENTS REPROCHES A TOTALENERGIES

4.3 INADEQUATE AND INSUFFICIENT MEASURES TO PREVENT CLIMATE HARM

The coalition argues that the duty of vigilance implies a **clear standard of conduct** on climate change, informed by:

- the Paris Agreement,
- United Nations and OECD Guidelines,
- the GHG Protocol,
- IEA mitigation pathways,
- scientific consensus reflected in IPCC reports,
- and recent rulings by foreign and international courts (including the Shell and RWE cases, and advisory opinions of the ICJ and IACHR).

Together, these sources point to a single conclusion: companies must take **immediate, credible and effective action** to align their activities with a 1.5°C-compatible pathway.

The coalition argues that TotalEnergies' vigilance measures fall far short of this standard. In particular:

→ **No meaningful reduction of Scope 3 emissions**

The company's 2030 target — keeping emissions below 400 Mt CO₂e — amounts to a reduction of only **2.4% compared to 2015**, despite overwhelming evidence that far steeper cuts are required.

→ **Continued expansion of fossil fuel production**

TotalEnergies plans to increase oil and gas production by around **3% per year** over the next five years while continuing to develop new projects.

→ **Overreliance on liquefied natural gas (LNG)**

LNG remains a fossil fuel and is associated with significant methane emissions. Its expansion is incompatible with pathways requiring rapid methane reductions and risks locking in emissions for decades.

→ **Focus on carbon intensity rather than absolute reductions**

While reducing emissions per unit produced may play a complementary role, it cannot substitute for **absolute cuts in fossil fuel production**.

→ **Dependence on uncertain technologies**

The company relies heavily on carbon capture, storage and utilisation (CCUS) to address Scope 3 emissions, despite unresolved uncertainties regarding their feasibility and large-scale deployment.

WHY THE 1.5°C OBJECTIVE REMAINS LEGALLY BINDING

The coalition stresses that recent temperature records do not undermine the legal relevance of the **1.5°C objective**.

Although 2024 marked the first calendar year in which global average temperatures temporarily exceeded 1.5°C above pre-industrial levels, this does not nullify climate obligations. As reaffirmed by States Parties at COP26 and by the **International Court of Justice** in its 2025 advisory opinion, limiting warming to 1.5°C remains the **central benchmark** under international law.

A temporary exceedance does not render the objective obsolete. On the contrary, it reinforces the obligation to take **all necessary measures** to bring temperatures back as close as possible to 1.5°C.

5. REQUESTS OF THE COALITION



5.1 ALIGNMENT WITH A 1.5°C-COMPATIBLE MITIGATION PATHWAY

Recognising corporate climate obligations necessarily raises the question of **how compliance is to be measured over time**.

To this end, the coalition asks the court to rely on existing scientific and institutional benchmarks, notably:

- the IPCC's **P1 pathway**, and
- the International Energy Agency's **Net Zero Emissions (NZE)** pathway.

These scenarios provide **clear, quantified short- and medium-term milestones** compatible with limiting warming to 1.5°C, without excessive reliance on speculative negative-emissions technologies.

The coalition argues that only these most precautionary pathways meet the legal requirement to prevent serious harm to human rights and the environment.

5.2 CONCRETE MEASURES COVERING ALL EMISSIONS (SCOPES 1, 2 AND 3)

The coalition asks the court to order TotalEnergies to adopt **specific, enforceable measures**, not merely policy statements, to reduce emissions from:

- its own operations (Scopes 1 and 2), and
- the use of its products (Scope 3).

These measures should be:

- adopted within **six months** of the court's decision,
- published in a revised vigilance plan, and
- aligned with a credible 1.5°C pathway, with the objective of achieving carbon neutrality by 2050.

Coalition's benchmarks to support its requests

IPCC P1 pathway (2018):

- Gas: –25% by 2030; –74% by 2050 (compared with 2010)
- Oil: –37% by 2030; –87% by 2050 (compared with 2010)
- Suspension of new oil and gas projects not yet subject to a final investment decision within six months of the ruling

IEA NZE pathway (2021, updated 2023):

- Gas: –22% by 2030; –90% by 2050 (compared with 2022)
- Oil: –21% by 2030; –78% by 2050 (compared with 2022)
- Suspension of new oil and gas projects not yet subject to a final investment decision within six months of the ruling

The coalition further asks the court to:

- avoid **asset transfers** to third parties, and
- impose a **financial penalty** in the event of non-compliance, set at **0.01% of average annual revenue** (approximately €24 million per day of delay).

WHAT IS AT STAKE

Through the extraction and combustion of fossil fuels, major oil and gas companies generate massive emissions that threaten human health, fundamental rights and the living conditions of future generations.

The purpose of the Duty of Vigilance Law is precisely to ensure that such risks are prevented under **effective judicial supervision**. The TotalEnergies case will test whether courts are prepared to use this tool to compel major emitters to act — and, in doing so, to play a decisive role in the climate transition.

PRESS CONTACTS

Sherpa

Chloé Guérif: presse@asso-sherpa.org | tel: + 33 (0)7 44 90 84 79

Notre Affaire à Tous

Justine Ripoll: justine.ripoll@notreaffaireatous.org | tel: + 33 (0)6 42 21 37 36

France Nature Environnement

Eloi Pérignon: eloi.perignon@fne.asso.fr | tel: +33 (0)6 07 69 27 10

City of Paris

presse@paris.fr | tel: +33 (0)1 42 76 49 61

Notre Affaire à Tous is an association created in 2015 that uses the law as a strategic lever to combat the triple environmental crisis—climate, biodiversity, and pollution. It defends a vision of the law that promotes social justice and the communities most affected. After securing the conviction of the French state in the *Affaire du siècle* (Case of the Century), the association continues to take legal action at the local, national, and European levels. It has initiated systemic appeals against the inaction of public authorities (*Justice pour le Vivant*, *Soif de Justice*, etc.) and the impunity of multinational corporations (Total, BNP Paribas, Arkema, etc.). Through a network of mobilized citizens, Notre Affaire à Tous also works to push the boundaries of the law in favor of a democratic system that protects life and fundamental rights.

www.notreaffaireatous.org

Sherpa is a non-profit organisation founded in 2001. The organisation brings together a team of lawyers and legal experts who use the law as a tool to combat impunity linked to the globalisation of economic and financial exchanges and to defend victims of economic crimes.

www.asso-sherpa.org

France Nature Environnement is the French federation of nature and environmental protection associations. It is the spokesperson for a movement of 6,000 associations throughout France, both on the mainland and overseas.

www.fne.asso.fr

City of Paris

Cities are the main actors in climate change adaptation. Mayors are on the front line, responsible for their citizens and guardians of human lives. Their role within the COP has also been affirmed at the international level. As the court stated in June 2024, "with regard to the interest in intervening, it should be noted that the city of Paris, identified by the National Observatory on the Effects of Global Warming as having a very high climate risk exposure index, with an increase of more than 2°C, has been particularly involved in this fight through its Climate Plans since 2007, with its 2018 plan aiming to achieve carbon neutrality by 2050. It has been selected by the European Commission to be part of the European Union's "100 climate-neutral cities by 2030" program.

www.paris.fr



February 2026



***Sherpa**

