



# Liability on Pollution

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MINISTÈRE  
DE LA TRANSITION  
ÉCOLOGIQUE

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# Liability on pollution

- French government takes little part in remediation actions:
  - 17 M€ per year for taking care of ancien industrial sites
  - Financial aids for brownfield management
- Most of regulatory tools regarding remediation only apply to wastes and « classified installations », which include IED and Seveso sites

# Operators

- The last operator of the « classified installation » is first and foremost liable of remediating their site.
- One exception: if the contamination is clearly due to a previous operator (case law)

# Waste producers

- If a contamination originates from wastes, its producer must take remediation action.
- If the operator of a waste treatment plant is bankrupted, their former clients must take back their wastes and contribute to remediation.

# Land owners

The land owner is liable on two cumulative conditions:

- The operator is bankrupt
- The land owner was « negligent » or « is not foreign to the contamination »

# Parent companies

A parent company is liable on three cumulative conditions:

- It owns more than 50 % of the operator's shares
- The operator is bankrupt
- It deliberately caused the bankruptcy of the operator

This must be determined by a judge, contrary to other liabilities.