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PLASTIC POLLUTION: DANONE TO APPEAR BEFORE THE FRENCH COURTS FOR ITS FAILURE TO EXERCISE DUE DILIGENCE

Surfrider Foundation Europe, ClientEarth, and Zero Waste France are suing Danone for failure to comply with its duty of care regarding plastics. The NGOs are asking that the Danone group be ordered to publish a new vigilance plan including a deplastification trajectory within 6 months. The NGO coalition is also calling for an end to the ecological damage caused by the global food giant's activities.

Although the group's plastic footprint is considerable, its vigilance plan is silent on the issue of plastic

While the French law of 17 March 2017 requires companies to mitigate the impact of their activities on the environment, health and human rights, the Danone group publishes an annual vigilance plan that is completely silent on the issue of plastic. By not addressing the issue of plastic in its corporate responsibility plan, Danone cannot mitigate or prevent its significant global plastic footprint. In 2021 alone, the Danone group produced over 750,000 tonnes of plastic (1), equivalent to 74 Eiffel Towers. With the OECD estimating that plastic production will have tripled by 2060 and could exceed one billion tonnes used per year in the coming years, there is an urgent need to act. For the coalition, the Danone group, one of the biggest plastic polluters in the world (2), must respect its duty of care obligations on the issue of plastic.

For Antidia Citores, spokesperson for the coalition: *"Danone's response to our recent formal notice falls far short of our expectations and does not address the serious environmental, human rights and health impacts of plastics. For this reason, we are today taking the case to the French courts to ensure that Danone, whose global plastic footprint is considerable, is ordered to include a deplastification trajectory in its vigilance plan."*

1 Document d'enregistrement universel 2021 p170. <https://www.danone.com/content/dam/danone-corp/danone-com/investors/fr-all-publications/2021/registrationdocuments/danoneurd2021fr.pdf>

2 Break Free From Plastic's report : <https://brandaudit.breakfreefromplastic.org/brand-audit-2022/>

Danone's recycling strategy is inadequate without a deplastification trajectory

The Danone group has committed to using 50% recycled plastic for all plastic packaging by 2025. Beyond the fact that it seems unlikely that these targets will be met (the share of recycled plastic in packaging will only reach 10.4% in 2021), the group has committed itself to a trajectory of substitution of virgin plastic by recycled plastic, which does not address the problem. Indeed, Danone's proposed recycling strategy is inadequate, according to the NGO coalition.

Antidia Citores, spokesperson for the coalition, said: *"Today only 9% of the world's plastics are recycled. Danone's recycling strategy is therefore ineffective without a deplastification trajectory. Take for example a country like Indonesia, where Danone is the leading polluter of plastic in 2022, only 6% of packaging is recycled, 66% goes to landfill and 20% is abandoned in nature. Hence the urgent need for the Danone group to deplastify."*

The world leader Danone will have to answer in a few months for its vigilance failures before the Paris Court of Justice. In the event of a conviction, the Danone group will have to publish a new vigilance plan within six months, including a deplastification trajectory. Failing this, the Danone group will have to pay 100,000 euros per day of delay.

Contact :

SURFRIDER FOUNDATION

Lionel Cheylus

European Medias Relations Officer

Tel. +33 (0)6 08 10 58 02 | Mail. lcheylus@surfrider.eu

www.surfrider.eu

¹ Document d'enregistrement universel 2021 p170. <https://www.danone.com/content/dam/danone-corp/danone-com/investors/fr-all-publications/2021/registrationdocuments/danoneurd2021fr.pdf>

² Break Free From Plastic's report : <https://brandaudit.breakfreefromplastic.org/brand-audit-2022/>