

NGOs
and climate
change
victims file

CRIMINAL CASE AGAINST TOTAL ENERGIES'

board of directors and shareholders



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www.totalcriminal.org



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PRESS RELEASE

Paris, Tuesday 21 May 2024

Today, three NGOs, BLOOM (France), Santé Planétaire (France), and Nuestro Futuro (Mexico) and eight climate change victims filed a criminal case in Paris against TotalEnergies' board of directors and main shareholders for their contribution to climate change and its fatal impact on human and non-human lives. In the context of intensifying climate disasters and just three days before TotalEnergies' Annual General Meeting, this legal action could set a precedent in the history of climate litigation as it opens the way to holding fossil fuel producers and shareholders responsible before criminal courts for the chaos caused by climate change.

TotalEnergies, the world's sixth biggest carbon major, its board of directors and its main shareholders are being sued for deliberately endangering the lives of others, involuntary manslaughter, neglecting to address a disaster, and damaging biodiversity. Each offense is punishable by at least one year of imprisonment and a fine. The prosecutor will have discretion to open a judicial investigation and to determine the roster of individuals facing prosecution. Nonetheless, the complaint filed today targets the board of directors of TotalEnergies, which determines the Group's strategic direction including its CEO Mr. Patrick Pouyanné, as well as its main shareholders who voted *in favour* of climate strategies incompatible with limiting global warming to 2°C and *against* resolutions aiming at aligning the Group's climate strategy with the Paris Agreement. These include Total's largest shareholder Blackrock and 6th largest shareholder Norges Bank.

The NGOs and eight plaintiffs hope to establish the criminal liability of TotalEnergies' directors and shareholders for their contribution to climate change and to have them condemned for past decisions, which they took despite knowing they would trigger tremendous casualties and environmental damage.

This case also seeks to put a definitive halt to the expansion of fossil fuel extraction, which is leading to an unprecedented situation: a "globocide",¹ i.e. the irreversible disruption of the Earth System and

¹ The word *globocide* was coined by German philosopher Günther Stern alias Anders (1902-1992) to designate the extermination of human beings by the atomic bomb. We propose to use the neologism forged by the thinker of the apocalypse to designate the global devastation that our way of living is generating on the biosphere at large, not just on human beings.

the biosphere as a whole. Additionally, plaintiffs wish to obtain recognition that certain persons or entities like TotalEnergies' board of directors and main shareholders hold a superior responsibility in the global destruction of the world as we know it.

Rising sea levels and submerged coastlines, deadly heat waves, mega-fires, devastating hurricanes, floods and landslides: the number of reported weather-related disasters has multiplied by five over the past 50 years,² impacting the lives of the eight plaintiffs from Australia, Zimbabwe, France, Belgium, the Philippines, Greece and Pakistan as well as that of million other human beings and billions of animals. The disasters that ravaged their lives, such as the 2019 Australian bushfires, the 2021 European floods, and the 2022 Pakistan floods, have undergone scientific attribution studies, which concluded that climate change made each of them stronger and more likely to occur.

Scientists have established that so-called 'natural' disasters are less and less natural: their increase in intensity and frequency is a direct consequence of climate change, 80% of which is due to fossil fuels.³

Although the International Energy Agency has recommended to halt all new fossil fuel projects since 2021 to keep to a 1.5°C pathway,⁴ TotalEnergies has kept opening oil and gas sites across the planet.⁵ It has even become the second most expansionist fossil fuel company in the world.⁶ The scientific community has determined that opening new fossil fuel projects is not compatible with limiting temperature warming to viable thresholds.⁷

Despite being perfectly aware that climate change kills, the directors and shareholders of the multi-billion-dollar multinational have made the choice to expand oil and gas production for a single reason: to maximize profits.

At the 2023 Annual General Meeting, the Board of Directors even called on its shareholders to vote against the resolution to align TotalEnergies' emissions with the Paris Agreement. This crucial resolution was rejected by 70% of shareholders.⁸

Next the prosecutor has three months to decide whether to open a judicial investigation. If a decision is made to dismiss the complaint, or if no decision has been taken, the plaintiffs can lodge their complaint directly to an investigating judge.

² World Meteorological Organization, [Weather-related disasters increase over past 50 years, causing more damage but fewer deaths](#), 2024

³ United Nations, [Causes and Effects of Climate Change](#)

⁴ International Energy Agency, [Net Zero Roadmap](#), 2023

⁵ BLOOM, [the Renewable Energy Joker](#), 2023

⁶ [Global Oil and Gas Exit List 2023](#)

⁷ Carbon Brief, [New fossil fuels 'incompatible' with 1.5°C goal](#), 2023

⁸ Bloomberg, [Total Asks Investors to Oppose Call to Cut Indirect Emissions](#), 2023

NOTES TO EDITORS

About TotalEnergies' strategy

Total has willingly ignored science, created doubt to gain time, fought regulations destined to tackle climate change, pursued a strategy to establish gas as a “low carbon” fuel and developed a communication line to put the responsibility on consumers and demand (see section “about TotalEnergies” below).

Who does this case target specifically?

When a complaint concerns many potential responsible individuals or entities, the French legal system allows to file a complaint “against X”, leaving it to the prosecutor or investigating judge to decide whom to prosecute. In this instance, our group of plaintiffs is providing the Criminal Court with a rationale which targets the board of directors of TotalEnergies as well as its main shareholders.

The individuals and entities we have identified as having superior responsibility are:

- **Mr. Patrick Pouyanné**, TotalEnergies' CEO.
- **Members of TotalEnergies' Board of Directors.** They determine the Group's strategic direction, have an important role in decision-making on investments and asset acquisitions and disposals, and have consistently refused to put resolutions aimed at aligning the Group's strategy with the Paris Agreement on the AGM agenda or have openly called on shareholders to vote against them.

- **TotalEnergies' main shareholders** for whom we have evidence that they have consistently voted in favour of climate strategies incompatible with limiting warming to 2°C (for example TotalEnergies' 2022 climate plan) and against resolutions proposed by shareholders aiming at aligning the Group's climate strategy with the Paris Agreement (for example the 2023 “Follow This” resolution). These include for example **Blackrock** (Total's largest shareholder with more than 6% of shares) and **Norges Bank** (Total's 6th largest shareholder with about 3% of shares).

Campaign's website

The campaign's website www.totalcriminal.org provides more details and several videos of the plaintiffs' testimonies as well as an open letter to shareholders. The press kit is available on the Website as well.

On attribution science

Our arguments are partly based on attribution science, a new branch of climate science that is working to determine the extent to which an extreme weather event is attributable to climate disruption.

It can be shown that climate-related extreme events are becoming increasingly intense and frequent, and in some cases that they would not have been possible in a world without climate disruption.

PRESS CONTACTS

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QUOTES

CLAIRE NOUVIAN

FOUNDER AND DIRECTOR OF BLOOM

"Past decisions of TotalEnergies' board of directors and main shareholders have proven that those who have a financial interest in the destruction of the world are not apt to take responsible decisions, even when fully aware that they will ravage not just millions of lives, but also the only liveable planet we know of. Letting them do so would equate to giving them a right to globocide. It's unthinkable. This is why we are determined to stop climate criminals. It has simply become a question of life or death."

HADRIEN GOUX

FOSSIL FUEL CAMPAIGN OFFICER, BLOOM

"What is specific about the time we live in and what our litigation is trying to bridge is the gap that exists between the absolute scientific certainty of who bears the responsibility for the destruction of the world by climate change and the absence of clear sentencing by Courts against climate crimes. We think time has come for judges to limit the devastation power of multinationals."

YAMINA SAHEB

LEAD AUTHOR OF IPCC REPORT

ON CLIMATE MITIGATION,

SENIOR RESEARCHER AT SCIENCES PO (PARIS)

"All fossil fuels are responsible for the deaths of millions of people. This is already the case today, but it's only going

to get worse as the temperature rises. Every euro invested in fossil fuels is a euro invested in climate crimes."

JOYCE KIMUTAI

**ATTRIBUTION CLIMATE SCIENTIST,
UNIVERSITY OF CAPE TOWN**

"The fossil fuel industry will continue to undermine science, they will continue to expand their businesses, they will continue to cause suffering to the people as long as they know that the law can't hold them accountable."

SIMON FRÉMAUX

DOCTOR, COORDINATOR

AT THE NGO ALLIANCE SANTÉ PLANÉTAIRE

"Climate change is the world's greatest health emergency. TotalEnergies and the other oil and gas companies are perfectly aware of what they are doing. Once you're aware of what you're doing, you can't say you're not responsible."

BENJAMIN VBR.

PLAINTIFF AND SURVIVOR

OF FLASH FLOODS, BELGIUM 2021

"They're going to try to pump up every last drop of oil they can and sell it. It's horrible that there are people who just value their profits so much more than human lives. I will do everything in my power to combat the climate situation and hold those responsible accountable."

WILLIAM C-R.
PLAINTIFF FOR THE DEATH OF HIS MOTHER,
VICTIM OF STORM ALEX, FRANCE 2020

"I'm here to defend the honour of my mother, who died because of a climate disaster. The choices that Total and its shareholders make at the Annual General Meeting will have a decisive impact on our lives in the future."

HILDA T.
PLAINTIFF AND SURVIVOR OF CYCLONE IDAI,
ZIMBABWE 2019

"I wasn't sure if my sister and I were going to survive the evening when the flash floods hit our town during cyclone Idai. I was traumatised by seeing houses being washed away and the dead bodies lying on the floor the next day. We had to risk our lives to evacuate, I thought I could lose my sister during the crossing. This is the reality of the climate situation, and I want companies like Total and its shareholders to pay for the injustices that communities like mine face due to their emissions."

NORA CABRERA VELASCO
CO-FOUNDER AND DIRECTOR
OF NUESTRO FUTURO

"At the core of Nuestro Futuro is a commitment to fighting for climate justice, which entails demanding systemic change and striving for a sustainable future. We recognize that the impacts of climate change are not uniformly felt. There is a global debt that needs to be addressed, and a vital step toward this goal is holding TotalEnergies and other fossil fuel companies accountable for the climate and environmental damage they inflict, particularly due to their disproportionate impact on countries in the Global South."

In a world facing an increasingly urgent climate crisis, protecting the environment, and pursuing climate justice are essential to ensuring a sustainable and equitable future for all living beings. Our mission extends beyond environmental advocacy; it is a fight for survival, compelling us to take decisive action to protect our planet and its inhabitants. Companies like TotalEnergies are the main perpetrators of this climate catastrophe, threatening the stability of our ecosystems and the survival of communities in Mexico and worldwide. For the youth of today and tomorrow, and particularly for the youth of Mexico, we demand an end to the practices that jeopardize our future."

HAFAH HACHAD
CO-FOUNDER AND MEMBER
OF ALLIANCE SANTÉ PLANÉTAIRE

"At the heart of Planetary Health lie the complex interactions between human health and the integrity of ecosystems. Irretrievably upsetting these balances means undermining the well-being of each and every one of us. Climate change is thus one of the greatest contemporary threats to public health. A company like TotalEnergies bears a huge responsibility for its historical emissions and its policy of mass exploitation of fossil fuels. As a community of caregivers, our efforts will be vain if TotalEnergies pursues its deadly extraction projects with impunity. This lawsuit is a unique opportunity to have the correlation between climate change and health recognized, and to hold TotalEnergies accountable for its deliberate destruction of life. By joining this lawsuit, Alliance Santé Planétaire intends to tackle the real causes of the unfolding catastrophe, to name those truly responsible, and to reveal the gravity of its health consequences."



Floods in Pakistan, 2022

DETAILED PRESENTATION OF PLAINTIFFS

Three NGOs and eight individual plaintiffs are filing the complaint against TotalEnergies. The eight plaintiffs are all victims or survivors of climate-related disasters such as heatwaves, floods, cyclones, storms and forest fires. Many have been put at risk of death, have lost loved ones, and all have been personally affected: trauma, consequences on physical and mental health, loss or destruction of property such as their homes. They come from Australia, Zimbabwe, France, Belgium, the Philippines, Greece and Pakistan.



BLOOM

bloomassociation.org/en/

BLOOM is a Paris-Based non-profit organization which was founded in 2005 by Claire Nouvian, winner of the Goldman Environmental Prize in 2018. BLOOM is entirely devoted to the protection of the ocean and the climate. BLOOM has won landmark victories such as a European-wide ban on deep-sea bottom trawling in 2016 or the prohibition across the EU of electric fishing in 2019.

BLOOM initiated and coordinated this collective litigation against TotalEnergies.



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santeplanetaire.org

Alliance Santé Planétaire was started by health professionals who have come together to advocate for the recognition of climate change as the worst contemporary threat to public health. The aim of the **Planetary Health principles** they promote is to understand the links between human activities that modify the environment and the consequences for the health of humans and ecosystems.



NUESTRO FUTURO
nuestrofuturo.mx

Nuestro Futuro is a Mexican NGO, which promotes climate change adaptation and mitigation actions. Nuestro Futuro engages in strategic legal battles to improve environmental protection of future generations. It is one of the leading civil organizations dedicated to climate litigation in Mexico.

THE EIGHT PLAINTIFFS



ELISA C-R. 38, FRANCE

WILLIAM C-R. 28, FRANCE

Elisa and William lost their mother during storm "Alex" which harshly hit France in 2020. The storm caused sudden massive floods that destroyed several valleys in south-eastern France, including the Vesubie Valley where their mother lived. The floods tore down entire bridges, roads and houses, including their mother's. Her body was found only thirteen days later by William, who desperately searched the devastated area to find her. They are suing TotalEnergies for involuntary homicide.

Storm Alex was a severe extratropical storm attributed to climate change.⁹



«I am here to defend the honor of my mother, who died due to a climatic disaster. The choices that TotalEnergies and its shareholders will make during the general meeting will have a decisive impact on our lives in the future».

William C-R.



KHANZADI K.

25, PAKISTAN

Khanzadi is a survivor of the extreme monsoon rainfall which occurred in Pakistan in 2022 and generated devastating floods that impacted a third of the country, wiped out homes, dams, hospitals, hundreds of kilometers of roads and killed over 1700 people. Khanzadi witnessed the death of her sister and destructions in her community as she was pushed on the roads by the floods, like two million people in her country.

This extreme event is attributed to climate change, which made precipitations between 50% and 75% more intense.¹⁰

⁹ Ginesta, M., Yiou, P., Messori, G. et al. **A methodology for attributing severe extratropical cyclones to climate change based on reanalysis data: the case study of storm Alex 2020.** *Clim Dyn* 61, 229–253 (2023).

¹⁰ Friederike E L Otto et al. **Climate change increased extreme monsoon rainfall, flooding highly vulnerable communities in Pakistan.** *Environ. Res.: Climate* 2 025001 (2023).

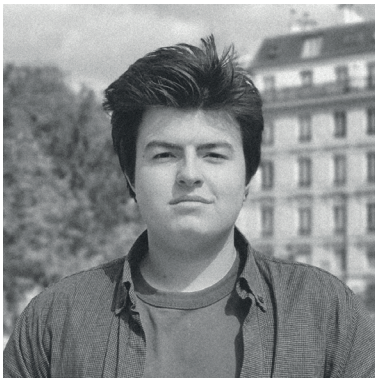


ALEXANDROS K.

24, GREECE

Alexandros survived wildfires that ravaged Greece in July/early August 2021 as a result of an extreme heatwave and drought. He and his family only narrowly managed to escape the fire. With other young people hit by climate disasters, Alexandros has already taken legal action¹¹ with the European Court of Human Rights (ECHR) against European governments for allowing the Energy Charter Treaty, which protects fossil fuel investments and impedes transitioning away from them.

The 2021 heatwave and wildfires in Greece are attributed to climate change.¹²



BENJAMIN VBR.

17, BELGIUM

Survivor of the tragic flash floods that impacted northern Europe (Belgium, Germany, Luxembourg and the Netherlands) in the summer 2021, Benjamin risked his life trying to save his 15-year-old friend Rosa,¹³ who was swept away by the sudden violent mass of water. He has been affected ever since and has started a non-profit called "Climate Justice for Rosa"¹⁴ that is devoted to raising awareness about the human and environmental toll of the climate disruption worldwide, in commemoration of climate change victims.

The 2021 floods that hit Belgium and other countries have been recognized to be up to 20% more intense and nine times more probable because of climate change, which they are attributed to.¹⁵

« They will try to pump every last drop of oil they can sell. It's horrible that there are people who value their profits so much more than human lives. I will do everything in my power to fight the climate situation and hold those responsible to account ». Benjamin VBR.

¹¹ "Exit Energy Charter Treaty", litigation against European governments for protecting fossil fuels

¹² Giannaros, C et al. *The extreme heat wave of late July/early August 2021 in Greece under the context of the direct effect of anthropogenic greenhouse gases*. *Science of The Total Environment*. 857 (2023).

¹³ The Guardian, *Life and Death of Rosa Reichel, the brilliant girl who was swept away*, 2024

¹⁴ *Climate Justice for Rosa*

¹⁵ Tradowsky, J.S., Philip, S.Y., Kreienkamp, F. et al. *Attribution of the heavy rainfall events leading to severe flooding in Western Europe during July 2021*. *Climatic Change* 176, 90 (2023).



HILDA T.
23, ZIMBABWE

Hilda survived cyclone Idai in 2019, which displaced millions across several countries in southern Africa and was recognized by the World Meteorological Organization (WMO) as one of the worst disasters in the southern hemisphere.¹⁶ Hilda was affected by the storms and the induced floods, as were her family, friends and village. She is now committed to fighting climate change and to spreading the voice of her community worldwide.

The cyclone was made more severe because of climate change.¹⁷



JANN G.
65, AUSTRALIA

Jann is a survivor of the bushfires that ravaged Australia from October 2019 to February 2020 on an unprecedented scale. She had to evacuate her house in Victoria, which she lost, while surrounded by the megafires. Witnessing the environmental catastrophe caused by the “Black Summer” bushfires which tore apart the Southeast coast of Australia was unbearable. The sun did not show for sixteen days. Three billion animals were affected and over 140 million mammals died, including more than 61,000 koalas. Thousands of birds suffocated because of the smoke. Ash washed up on the shore for months. One-fifth of the country’s forests were destroyed. The smoke spread huge quantities of fine particles and pollutants.¹⁸ Jann participates in a class action case¹⁹ asking the Australian government to tackle climate change. The 2019/2020 bushfires are considered one of the “worst wildlife disasters in modern history”. Their intensity and increased probability are attributed to climate change.²⁰



FRANK M.
29, PHILIPPINES

Frank is a survivor of typhoon Rai, known in the Philippines as “Super Typhoon Odette” which struck in December 2021. Frank was in his village of Melgar, Basilisa, Dinagat Islands, when Super Typhoon Odette unleashed death and destruction. There was no safe refuge, and the aftermath was all the more difficult: months after, more than 2.4 million still needed relief and were left exposed to extreme climate disasters.²¹ Typhoon Rai was the second costliest typhoon in Philippine history behind Typhoon Haiyan in 2013. Typhoons are becoming more and more intense with the warming atmosphere.²²

¹⁶ World Meteorological Organization, Mozambique cyclones are “wake-up call”, 2019

¹⁷ The Guardian, [Climate change making storms like Idai more severe, say experts](#), 2019

¹⁸ Le Monde, [Australia after “Black Summer”: A slow recovery from the 2019-2020 megafires](#), 2023

¹⁹ [The Australian Climate Case](#)

²⁰ Van Oldenborgh, G.J et al. [Attribution of the Australian bushfire risk to anthropogenic climate change](#). NHESS, 21, 941–960, 2021.

²¹ IFRC, [Philippines: 2 million exposed to climate disasters 3 months after Typhoon Rai](#), 2022

²² William N. Holden, Shawn J. Marshall, [Chapter 24 - Climate Change and Typhoons in the Philippines: Extreme Weather Events in the Anthropocene](#), Integrating Disaster Science and Management Pages 407-421, 2018



Typhoon Odette in the Philippines, 2021

ORGANIZATIONS SUPPORTIVE OF THE LITIGATION

The litigation is supported by 32 organizations.

They have no role in this legal action but are also engaged in combatting climate change and therefore support our initiative.



Action Justice Climat (Formerly Alternatiba Paris – France)



Bushfire Survivors for Climate Action (Australia)



Fridays for Future India



The Africa Network for Environment and Economic Justice – **ANEEJ** (Nigeria)



CARE (France)



The Green Connection (South Africa)



The African Youth Initiative for Climate Change - AYICC



Climate Action Network Latino America – CAN-LA (Latin America)



Greenfaith (International)



Alternatiba (France)



Climates Nepal (Nepal)



Green Governance (Zimbabwe)



Action Non-Violente COP21 – **ANV COP21** (France)



The Center for Environmental Law and Community Rights – CELCOR (Papua New Guinea)



Greenpeace Africa



ATTAC (France)



Fridays for Future France



Greenpeace France



Greenpeace Philippines



Oxfam (France)



Scientifiques en Rébellion (France)



Impact (Kenya)



Plataforma Boliviana Frente al Cambio Climático (Bolivia)



South Durban Community Environmental Alliance (Afrique du Sud)



Jesuit Centre for Ecology and Development - JCED (Malawi)



Refugee Coalition for Climate Action (Zimbabwe)



Stop Total (France)



Malawi National Youth Network on Climate Change - NYNCC (Malawi)



Réseau Espace Climat (Democratic Republic of Congo)



Te Mana O Te Umara - Te MOTU (France)



Money Rebellion (UK)

Roya Expansion Nature

Roya Expansion Nature (France)



Fires in Greece, between July and August 2021

QUESTIONS & ANSWERS ABOUT TOTALENERGIES

What is TotalEnergies' contribution to climate change?

- TotalEnergies is the sixth biggest carbon major in the world.
- It is one of the top 20 biggest greenhouse gas emitters of all times.²³
- Since its creation one century ago, the fossil fuels Total has produced emitted as much as the 120 least emitting countries (i.e. 15 billion tons of CO₂).^{24 25}

Since when has TotalEnergies been aware of its impact on climate change and how did it respond?

- TotalEnergies has known the direct link between its activities and climate change for over half a century, since at least 1971.²⁶
- At the time, it was still possible to avoid the destabilization of the climate and to deploy renewable energy research and solutions, but the French oil major made a different choice: it knowingly decided to ignore science and to create doubt over climate science,²⁷ it fought emerging climate regulations and openly lied in public hearings. TotalEnergies followed a climate skeptic line in order to waste time, delay decision-making and protect its increasing investments in fossil fuels.²⁸

- After the establishment of a scientific consensus on anthropic climate change with the first IPCC report in 1990, countries started discussing policies to reduce emissions. Fossil fuel companies, among which Total, saw in emerging regulations such as carbon pricing a threat to their businesses. According to many observers, the carbon/energy tax proposed in 1991 was made subject to the “*most ferocious lobbying ever seen in Brussels*”.²⁹
- The company then continuously spread doubt by undermining established scientific conclusions. In 1992, in Total's internal magazine, the group's environmental director Jean-Philippe Caruette wrote: “*There is no certainty about the impact of human activities, including the combustion of fossil fuels*”. In 1993, François-Xavier Ortoli, Honorary President of Total, spoke at the Congress of the World Energy Council in Madrid, saying that scenarios predicting 2-5°C of global warming in the 21st century were dubious because: “*We still have much work to do to understand the complete carbon dioxide cycle, the role of the ocean's depths and the biosphere. Scholars are divided on this. Hippocrates says yes, Galen says no. There is some doubt*”.³⁰

23 The Guardian, [Revealed: the 20 firms behind a third of all carbon emissions](#), 2019

24 Climate Accountability Institute, Richard Heede, [reporting of TotalEnergies emissions from 1934 to 2017](#)

25 P. Friedlingstein, [Global Carbon Budget 2023](#), ESSD, Volume 15, Issue 12,

26 BLOOM, [The Renewable Energy Joker](#), 2023

27 Christophe Bonneuil, Pierre-Louis Choquet, Benjamin Franta, [Early warnings and emerging accountability: Total's responses to global warming, 1971-2021](#), *Global Environmental Change*, Volume 71, 2021, 102386, ISSN 0959-3780

28 Oil Change International, [TotalEnergies Uses Record Profits to Fuel Oil and Gas Expansion Incompatible with 1.5-Degree Limit](#), 2023

29 Skjaerseth, Jon Birger; Skodvin, Tora, [Climate change and the oil industry: Common problem, varying strategies](#), Manchester University Press, 2018 - 256 p. - Issues in Environmental Politics

30 Christophe Bonneuil, Pierre-Louis Choquet, Benjamin Franta, [Early warnings and emerging accountability: Total's responses to global warming, 1971-2021](#), *Global Environmental Change*, Volume 71, 2021, 102386, ISSN 0959-3780.

- Once the Paris Agreement was adopted in 2015, TotalEnergies changed its strategic approach and branding to suggest an alignment with international climate action. On the one hand, the company began to invest in renewable energy and multiplied announcements on its climate commitments (on carbon neutrality, on the reduction of methane emissions and of SCOPE 1 emissions etc.), but on the other, Total kept deploying a massive fossil fuel expansion, making it impossible to limit the temperature rise to 1.5°C.³¹

Does TotalEnergies comply with the IEA's 2021 call for a complete halt on fossil fuels?

No. On the contrary.

- While the IEA recalls³² that “as the major source of global emissions, the energy sector holds the key to responding to the world's climate challenge” and that despite pledges, “CO₂ emissions from energy and industry have increased by 60% since the 1992 United Nations Framework Convention on Climate Change”, TotalEnergies did not change its course to implement the main recommendation of the IEA, which dictated: “beyond projects already committed as of 2021, there are no new oil and gas fields approved for development in our pathway.” This loud and clear message is meant to limit the rise in global temperatures to 1.5°C in order to avert the worst effects of climate change.
- Today, TotalEnergies has even become the world's second largest company in terms of planning the expansion of fossil fuel extraction, with 4.5 billion barrels in its development plan, which is therefore incompatible with the IEA's Net Zero Emission pathway.³³

- Since 2021, the company has announced the development of 30 new oil and gas projects and keeps exploring for more in 53 different countries.³⁴
- At the 2023 Annual General Meeting, the Board of Directors even called on its shareholders to vote against the resolution to align TotalEnergies' emissions with the Paris Agreement. This crucial resolution was rejected by 70% of shareholders.³⁵
- The French major is developing more new oil and gas resources on the African continent than any other company.³⁶
- In South Africa for example, TotalEnergies is planning to augment exploitation of offshore hydrocarbons. The region's global fossil resources are estimated by the South African government to 9 billion barrels of oil equivalent, a veritable carbon bomb about to be unleashed by companies such as TotalEnergies.³⁷

What role do fossil fuels play in TotalEnergies' production and investments?

- In 2023, 98% of energy production from TotalEnergies was from fossil fuels.³⁸
- More than 70% of their investments are going to oil and gas projects.³⁹
- Renewable production is growing in TotalEnergies' portfolio, but it is still not profitable enough for shareholders to decide to fully divest from fossil fuels, according to executives.⁴⁰

³¹ Bloom, [TotalEnergies' dangerous silence on the carbon budget](#), 2023.

³² IEA, [Net Zero by 2050](#), 2021

³³ [Global Oil and Gas Exit List 2023](#).

³⁴ BLOOM, [the Renewable Energy Joker](#), 2023

³⁵ Bloomberg, [Total Asks Investors to Oppose Call to Cut Indirect Emissions](#), 2023

³⁶ Urgewald, [Who is Financing Fossil Fuel Expansion in Africa?](#), 2022

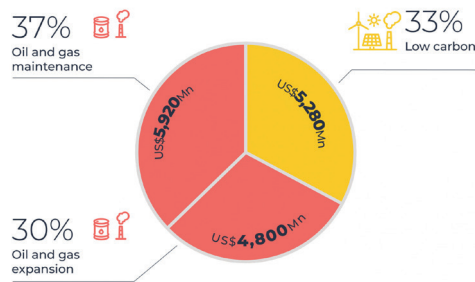
³⁷ BLOOM, [Our Ocean: Total Destruction](#), 2022

³⁸ Greenpeace, [Analyse des résultats financiers de TotalEnergies](#), 2024

³⁹ Reclaim Finance, [Assessment of TotalEnergies' Climate Strategy](#), 2024

⁴⁰ Financial Times, [Why the CEO of one of the world's biggest energy companies believes renewables are in bubble territory](#), 2021

TOTALENERGIES' CAPEX PLAN TO 2028



- According to some, if TotalEnergies had dedicated just one third of its dividend to the ecological transition in 2018, the multinational could have made its investments comply with the Paris Agreement for that year.⁴¹
- In 2023, TotalEnergies once again announced that it would be lavishly rewarding its shareholders: 16.6 billion were distributed to them, an amount significantly higher than the group's investment in renewable energies.

What is TotalEnergies' response to critiques?

The managers and shareholders of TotalEnergies know that their choices are dooming humanity and the rest of the living world, they have therefore adapted their communication strategy accordingly.

- Firstly, they have been advocating that gas is a low-carbon energy, when it is in fact nothing but a fossil fuel.⁴²
- Secondly, they are developing a new bad faith approach consisting of increasingly putting the blame on consumers. They are deliberately creating confusion between the demand for energy services, which indeed exists, and the demand for fossil fuels, which does not exist per se. This is the myth that TotalEnergies has been hammering in order to diminish criticism and to avoid facing responsibility.

⁴¹ Carbon Disclosure Project, [Doubling Down Europe's low carbon investment opportunity](#), 2020 sur la base d'un calcul de Oxfam France, [Total passe au décodeur d'Oxfam](#), 2021

⁴² Reuters, [TotalEnergies' bet on gas means no big emissions cut by 2030](#), 2023

QUESTIONS & ANSWERS ABOUT THE PROCEDURE

What is the novelty of this litigation?

TotalEnergies is already facing at least eight climate lawsuits (see below).

To our knowledge, this is the first time that NGOs and victims of extreme weather events come together to file a criminal case against an oil and gas major's board of executives and shareholders on the basis of solid scientific research establishing a direct attribution of disasters to climate change.

Has any of the climate disputes been successful?

Yes. The first victories have already been won.

- In the Netherlands, Shell, which had failed to comply with the Paris Agreement, was ordered by the Court of The Hague on May 26, 2021 to reduce its greenhouse gas emissions worldwide by 45% by 2030 compared with 2019. This is the first time a multinational has been condemned for climate inaction.
- In Germany, the fossil fuel multinational RWE has been taken to court by a Peruvian citizen, asking it to pay for part of the work needed to make his house safe. The house is at imminent risk of flooding due to the melting of the glaciers in the Andes as a result of climate change. The summons, using climate science to demonstrate the causal link between RWE's activity and the risk of flooding, was declared admissible on November 30, 2017.

Is TotalEnergies facing other climate-related lawsuits?

Yes. To our knowledge, TotalEnergies is already facing at least eight climate lawsuits. Here is a list of cases we have identified:

CASE N°1: NGOs and local authorities vs TotalEnergies on climate change – 2019 | This is the first climate litigation case in France using the Duty of Vigilance Law requiring TotalEnergies to align its investment strategy with the requirements set forth in the Paris Accord.⁴³

CASE N°2: NGOs vs TotalEnergies Uganda – 2019 | TotalEnergies was taken to Civil Court for failing to comply with its legal obligations to prevent human rights abuses and environmental damage in the context of its Tilenga oil mega-project in Uganda.⁴⁴

CASE N°3: NGOs vs TotalEnergies' greenwashing lies – 2020 | Criminal Case filed by three NGOs on the grounds of "deceptive commercial practice"⁴⁵.

CASE N°4: NGOs vs TotalEnergies greenwashing lies – 2022 | Three other NGOs sued TotalEnergies for 'deceptive commercial practice' but before a Civil Court.⁴⁶

CASE N°5: NGOS vs TotalEnergies' climaticide EACOP project in Tanzania & Uganda – 2023 | Criminal Case filed by four NGOs on several environmental charges.⁴⁷

CASE N°6: Involuntary manslaughter in Mozambique – 2023 | Criminal Case filed in October 2023 by Mozambique terrorist attack victims' families who point out the responsibility of TotalEnergies in not protecting their employees.⁴⁸

⁴³ [Civil litigation against TotalEnergies vigilance plan](#), 2019

⁴⁴ [Civil litigation against Total in Uganda](#), 2019

⁴⁵ Wild Legal – [Criminal litigation against TotalEnergies](#), 2023

⁴⁶ Amis de la Terre, [Environmental groups sue TotalEnergies for misleading the public over Net Zero](#), 2022

⁴⁷ Franceinfo, [Criminal lawsuit against Total in Uganda and Tanzania](#), 2023

⁴⁸ France24, [France opens probe of TotalEnergies over 2021 Mozambique attack](#), 2024

CASE N°7: Pollution in Yemen – 2024 | Civil Case filed by 58 Yemenites impacted by Total's pollution from oil exploitation in the country.

CASE N°8: Belgian farmer vs TotalEnergies – 2024 | Civil Case filed by a Belgian farmer for TotalEnergies' responsibility in the climate change impacts that affected the farm.⁴⁹

How will the legal procedure unfold?

The complaint was filed on 21 May 2024 with the Paris Criminal Court. The public prosecutor has the discretionary power to decide whether to dismiss the complaint or to open a judicial investigation.

According to his/her decision, two scenarios are possible.

1. The public prosecutor opens a judicial investigation. This could lead to the opening of a trial, which would be a first in the history of criminal proceedings against carbon majors in the framework of climate litigation.
2. If the public prosecutor decides to dismiss the complaint, or if no decision has been taken within three months of the complaint being filed, the plaintiffs will be able to lodge a complaint with civil party and refer the complaint directly to an investigating judge, who may initiate a judicial investigation.

Who is the lawyer?

Maître François Lafforgue from the law firm Teissonniere Topaloff Lafforgue Andreu et Associés (TTLA) is the lawyer filing the complaint.

Why are plaintiffs filing in France and not in their national jurisdiction?

French criminal law is applicable if one of the acts constituting the offence took place on French territory. TotalEnergies is a French company with its head office in France. The Group's strategic decisions that gave rise to the offences covered by our complaint were therefore taken in France. As such, even if the consequences of its decisions are globalized, foreign plaintiffs can sue TotalEnergies in France.

Who is supporting and financing the case?

BLOOM is coordinating and funding the campaign.

The Institute For Governance & Sustainable Development (IGSD) has brought financial support to the legal case.

⁴⁹ FIDH, [TotalEnergies sued over its responsibility for climate change in Belgium's first-ever climate action against a multinational company](#), 2024

What could be the results of this historical lawsuit?

We hope this trial will establish TotalEnergies' directors and shareholders' criminal liability for their contribution to the impacts of climate change. Prison sentences and fines are possible for those most responsible. Each offense is punishable by at least one year of imprisonment and tens of thousands of euros:

- Damaging biodiversity: three years of prison and a fine of up to 150,000€.
- Involuntary manslaughter: between three to five years of prison and a fine comprised between 45,000€-75,000€.
- Failing to combat a disaster: two years of prison and a fine of up to 30,000€.
- Deliberately endangering the lives of others: one year of prison and a fine of up to 15,000€.

We also hope to be able to set a legal precedent for future climate litigation and decision-making by oil and gas majors whereby opening new fossil fuel projects would be considered criminal.

This would be consistent with scientific conclusions which have determined that new fossil fuel projects are not compatible with limiting global warming to viable thresholds.



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