

Sustainable Development and General Principles of EU Law (part 1/2)

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The module is implemented in the frame of the project Jean Monnet Module on Sustainable Development in the European Union: Jean Monnet interdisciplinary Module (project number: 101127599 – EU4Sustainability), Erasmus+ Jean Monnet Actions.



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I. Introduction

- I.1. Definition of sustainable development and its importance
- I.2. Overview of EU law and its role in promoting sustainable development



I.1. Definition of sustainable development and its importance

- The concept of sustainable development introduced in 1987 in the Report of World Commission for the Environment and Development (WCED).
- Sustainable development is often defined as development that aims to meet the needs of the present while not compromising the ability of future generations to meet their own needs. ([Principals of EU Environmental Law](#))
- **Read: Fast Facts – What is Sustainable Development?**
[SustDev Explainer.pdf \(un.org\)](#)



“Sustainable development is how we must live today if we want a better tomorrow, by meeting present needs without compromising the chances of future generations to meet their needs. **The survival of our societies and our shared planet depends on a more sustainable world.**”

I.1. I.2. Overview of EU law and its role in promoting sustainable development

- Sustainable development was defined in the World Commission on Environment and Development's 1987 Brundtland report 'Our Common Future' as 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'.
- **Read: The Concept of Sustainable Development in the European Union Policy and Law** – By Maria Kenig-Witkowska University of Warsaw, george.witkowski@wp.pl
<https://readingroom.law.gsu.edu/cgi/viewcontent.cgi?article=1005&context=jculp>



II. General Principles of EU Law and Sustainable Development

II.1. The principle of sustainable development in EU law

II.2. The integration of sustainable development into EU law and policies

II.3. The role of the European Court of Justice in promoting sustainable development



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II.1. The principle of sustainable development in EU law

The principles of sustainable development in EU law include: (**Read: The Concept of Sustainable Development in the European Union Policy and Law**)

- Promotion and protection of fundamental rights: This principle emphasizes the importance of respecting and protecting human rights, including the rights of minorities, and promoting equality and non-discrimination.
- Intra- and intergenerational equity: This principle focuses on meeting the needs of current generations without compromising the ability of future generations to meet their own needs. It emphasizes solidarity within and between generations.
- Open and democratic society: This principle highlights the importance of citizen participation and involvement in decision-making processes. It emphasizes transparency, accountability, and the right to access information and justice.
- Involvement of citizens: This principle emphasizes the importance of engaging citizens in the development and implementation of sustainable development policies. It recognizes the role of citizens in shaping and influencing decision-making processes.
- Involvement of businesses and social partners: This principle recognizes the role of businesses and social partners in achieving sustainable development goals. It promotes corporate social responsibility and encourages cooperation and collaboration between different stakeholders.
- Policy coherence and governance: This principle emphasizes the need for coherence and coordination between different policies and actions to ensure that they contribute to sustainable development. It also highlights the importance of good governance and effective decision-making processes.
- Policy integration: This principle calls for the integration of environmental protection requirements into all policies and activities of the EU. It emphasizes the need for a holistic and integrated approach to policy-making.
- Use of best available knowledge: This principle emphasizes the importance of basing policies and decisions on the best available scientific and technical knowledge. It promotes evidence-based decision-making and the use of reliable and up-to-date information.
- Precautionary principle: This principle calls for taking precautionary measures in situations where there is scientific uncertainty about potential risks to human health or the environment. It emphasizes the need to prevent harm and take preventive action.
- Polluter pays principle: This principle holds that those who cause pollution or environmental damage should bear the costs of remediation and cleanup. It promotes the idea that the polluter should take responsibility for their actions.

These principles guide the development and implementation of sustainable development policies and actions in the EU. They aim to ensure that economic, social, and environmental considerations are taken into account and balanced in decision-making processes.



II.2. The integration of sustainable development into EU law and policies

Read [Principles of EU Environmental Law \(era-comm.eu\)](#)

- In the narrow sense, the integration principle applies to considerations on environmental effects of a new project. The most notable example is the integrated pollution prevention and control regime introduced by the [1996 IPPC Directive](#), which was amended, codified and finally replaced by the [Industrial Emissions Directive](#). The integrated permitting procedures for the most significant industrial installations help to introduce the best available techniques and prevent or, where that is not practicable, to reduce emissions and the impact on the environment as a whole.
- In the broad understanding (as embodied in Art. 11 of the [TFEU](#)), the integration principle requires that environmental protection requirements must be integrated into the definition and implementation of the Union's policies and activities, in particular with a view to promoting sustainable development. Environmental integration in all relevant policy areas (Agriculture, Energy, Fisheries, Transport, etc.) is essential in order to reduce pressures on the environment resulting from the policies and activities of other sectors and to meet environmental and climate-related targets.
- The integration principle became part of the [EU Sustainable Development Strategy](#), which provides a long-term vision that involves combining a dynamic economy with social cohesion and high environmental standards. It requires a new emphasis on policy coordination and integration. As part of the implementation of the EU Sustainable Development Strategy, the Commission has introduced a system of extended impact assessment for all major policy proposals. Furthermore, the integration principle became part of the [Cohesion Policy](#) which - as the EU's main investment policy - has a particular responsibility to mainstream environment into its programmes and projects.

Overall, the integration of sustainable development into EU law and policies is an ongoing process that requires coordination, cooperation, and continuous improvement. The EU aims to balance economic, social, and environmental considerations to achieve sustainable development for present and future generations.



II.3. The role of the European Court of Justice in promoting sustainable development

Read: Ethical and legal conditions of sustainable development – the perspective of primary eu law and the case law of the court of justice of the european union in matters of environmental protection

The European Court of Justice (CJEU) plays a significant role in promoting sustainable development through its jurisprudence. The CJEU refers to sustainable development in its rulings and uses it as a benchmark for decision-making in environmental protection cases. Here are the key points regarding the role of the CJEU in promoting sustainable development:

1. Sustainable development as a normative category in EU law
2. Balancing interests and values
3. Selecting solutions consistent with sustainable development
4. Ensuring effective protection of the environment
5. Anthropocentric interpretation
6. Lack of explicit axiological argumentation

-> the CJEU plays a crucial role in promoting sustainable development through its jurisprudence. It uses sustainable development as a benchmark for decision-making in environmental protection cases, balancing interests and values, selecting solutions consistent with sustainable development, and ensuring effective protection of the environment. While the Court's justifications do not explicitly discuss axiology, they reflect an anthropocentric interpretation of environmental protection and prioritize the well-being of humans while considering the protection of nature.



III. Sustainable Development and EU Environmental Law

III.1. EU environmental law and its role in promoting sustainable development

III.2. The EU's efforts to address environmental issues and promote sustainable development

III.3. The EU's approach to environmental protection and sustainability in its trade and investment policies



III.1. EU environmental law and its role in promoting sustainable development

Read:

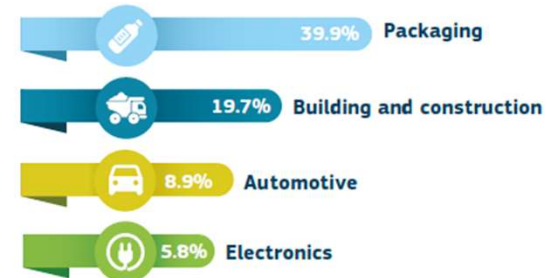
- **Environment policy: general principles and basic framework**
- **Environmental Law in the EU: A Pathway Toward the Green Transition**

Fast facts

EUROPEAN CITIZENS SAID THEY HAVE TAKEN ACTION



WHAT DO WE USE PLASTICS FOR IN EUROPE?*



***49 million tonnes of plastic used in the EU in 2015**

III.2. The EU's efforts to address environmental issues and promote sustainable development

Environmental compliance assurance

- **Related laws:** Environmental Liability Directive ([Directive 2004/35/EC](#)), Environmental Crime Directive ([Directive 2008/99/EC](#)), INSPIRE Directive ([Directive 2007/2/EC](#)), Industrial Emissions Directive ([Directive 2010/75/EU](#)), [Commission Implementing Decision 2020 /248](#) on technical guidelines for inspections of waste facilities, [Communication on Improving the delivery of benefits from EU environment measures: building confidence through better knowledge and responsiveness](#) (COM (2012) 095 final), Regulation establishing the Union Space Programme and the European Union Agency for the Space Programme ([2021/696](#))
- **Related strategies:** [Zero Pollution Action Plan](#), [EU Biodiversity Strategy for 2030](#), [EU soil strategy for 2030](#), [EU farm to fork strategy](#), [Chemicals Strategy](#)

III.3. The EU's approach to environmental protection and sustainability in its trade and investment policies

Sustainable development in EU trade agreements

- Trade agreements are an important driver for sustainable growth both in the EU and in partner countries. Modern EU trade agreements contain rules on trade and sustainable development.
- The EU meets its partners regularly to discuss how they and the EU are implementing TSD commitments in the trade agreement between them.
- Implementation of the Trade and Sustainable Development review

Read more at:

['Communication on the power of trade partnerships: together for green and just economic growth'](#)

Thank you for your attention!

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