

I. ARTYKUŁY

THE PRINCIPLE OF SUSTAINABLE DEVELOPMENT IN EU LAW: BETWEEN RHETORIC AND IMPLEMENTATION

INTRODUCTION

The principle of sustainable development currently occupies a significant place in the axiology of European Union law. Its presence in treaties, strategies, and secondary legislation reflects a high level of declaratory recognition. However, it remains unclear how far this principle has truly been integrated into the regulatory system in a coherent, effective, and operational manner. On the one hand, it underpins many legal and political initiatives; on the other, its content can be vague, internally heterogeneous, and difficult to translate into specific legal obligations.

A common denominator of the papers presented in the section *The principle of sustainable development in EU law* is the attempt to assess how far EU law has moved toward a genuine, systemic implementation of this principle, beyond rhetorical affirmation and legitimizing discourse. The authors explore whether sustainable development serves merely as an orienting value in legal reasoning or whether it may function as an effective instrument shaping regulatory, institutional, and interpretative practices.

The contributions lead to the conclusion that a clear gap persists between rhetorical commitment and implementation in practice. Bridging this gap requires not only a reconsideration of existing legal instruments but also a redefinition of the function of law in the context of growing global challenges – as a tool not merely for maintaining the status quo, but for consciously fostering social, economic, and environmental transformation.

This set of papers is the outcome of an international research collaboration in which legal scholars undertook to evaluate the degree to which EU law operationalizes the principle of sustainable development across selected regulatory fields. The project brought together researchers representing diverse legal traditions and methodological approaches, enabling a multidisciplinary

mensional exploration of the issue, from the analysis of normative content, through the design of regulatory instruments, to questions of effectiveness and proportionality.

The research methods employed primarily include the doctrinal analysis of EU primary and secondary law, as well as comparative legal analysis to illustrate the diversity of national implementations to interpretations. Many contributions also draw on theoretical legal frameworks, including the concepts of reflexive law, institutionalism, and law and economics, thereby facilitating a deeper understanding of normative impacts in broader social and economic contexts. The analyses refer not only to binding norms but also to soft law instruments, the UN Sustainable Development Goals (SDGs), and contemporary approaches to public governance and regulatory design.

Particular attention is paid to the limitations of the classical command-and-control approach, which proves insufficient in the face of complex socio-ecological dynamics. In its place, the authors advocate for smart regulation and reflexive regulatory models that emphasize incentive structures, co-governance, and stakeholder participation. Legal effectiveness in pursuing sustainable development goals, they argue, depends not only on legal norms themselves but on the design of institutional environments capable of generating lasting, positive changes in social and economic behaviour.

Current challenges related to the implementation of the sustainable development principle emerge across multiple domains of regulation, as reflected in the structure of these papers. Contributions focusing on consumer and financial law examine how the social dimension of sustainability justifies new forms of consumer protection, including the notion of responsible lending. The increasing alignment of this principle with the public interest, however, raises fundamental questions about the shifting boundaries of economic freedom and the need to recalibrate constitutional values accordingly. The analysis also demonstrates how FinTech and artificial intelligence (AI) can support sustainable development by enhancing risk management, promoting green finance, and promoting financial inclusion. It also highlights the need for a regulatory framework that ensures systemic stability while fostering innovation.

In the area of corporate reporting and ESG regulation, the volume analyses the Corporate Sustainability Reporting Directive (CSRD) and the European Sustainability Reporting Standards (ESRS). While these frameworks introduce formal measurability and mandatory reporting of sustainability-related performance, the implementation process continues to face institutional, financial, and cognitive barriers, particularly for small and medium-sized enterprises. Several texts raise concerns about the prevalence of formal compliance over substantive organizational and governance changes.

In the considerations regarding public procurement, the authors emphasize that it is precisely in this area that the tension between the principle of efficiency and the growing importance of social and environmental values becomes particularly evident. The effective implementation of the principle of sustainable development here requires not only modifications to legal instruments but also a reassessment of the interpretative approach and greater

flexibility in applying regulations. Public procurement, in this perspective, becomes a space for testing a new paradigm of law, in which community objectives constitute an integral element of the decision-making process rather than merely an addition to market logic.

The papers also consider the potential of public procurement as a tool for promoting sustainability goals. The possibility of using local content requirements (LCRs) to support local economies and supply chain resilience is analysed critically. Once considered incompatible with the principles of the internal market, LCRs may now be reinterpreted – especially in light of geopolitical and environmental crises – as measures aligned with the overarching objectives of EU sustainability policy, provided they respect the principles of proportionality and consistency with EU strategic goals. Finally, the legal challenges posed by emerging technologies – particularly artificial intelligence – are also addressed. On the one hand, AI can support the achievement of sustainability goals in sectors such as health, energy, and transport. On the other hand, its deployment raises serious risks related to inequality, discrimination, and violations of fundamental rights. The development of regulatory frameworks for AI must therefore not only be functional but also firmly rooted in values such as dignity, equality, and social justice.

This collection of papers does not seek to close the discussion, but rather to open new avenues of inquiry into how and to what extent law can serve as a tool for transformation toward a just, resilient, and sustainable model of development. Any attempt to answer this question must be grounded in the analysis of specific legal instruments, mechanisms, and practices – and it is precisely this task that the authors have undertaken in the following contributions.

Katarzyna Kokocińska

