

**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**

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Abstract: The Court of Justice of the European Union (CJEU) establishes in matters related to environmental protection the concept of sustainable development. The aim of the research is to recognise whether the Court refers to specific axiology when citing sustainability issues in its justifications. It should be checked if the CJEU equates the legal norm or the principle of the functioning of the European Union to sustainable development or a value having a non-normative source. By analysing selected judgments and their justifications, it will be determined whether the reference by the CJEU to sustainable development is only verbal (nominal) or if the manner of formulating arguments of the EU court proves that the authority has adopted a certain system of values to make decisions in the field of environmental protection. The analysis will be conducted from a law and ethics perspective.

Keywords: sustainable development, values, justification of the decision, European Union, environmental protection.

1. Introduction

In the article titled “The Ethical and legal conditions of sustainable development – introduction to research” (*Zeszyty Naukowe Politechniki Śląskiej, Seria: Organizacja i Zarządzanie*, z. 123, 2018, p. 207), it was shown that the impact of ethics on law, including the law of sustainable development, affects the functioning of society, the behaviour of individuals and the multidimensional organisation of our live. Therefore, one cannot stop only on the legal understanding of sustainable development developed, in particular within the international community and those grounded in acts of international law and documents signed

by nation-States, without indicating the ethical and philosophical context. Only a comprehensive approach to this issue, taking into account the interconnectedness of the ethical and philosophical sphere with the normative one, makes it possible to understand how the concept of sustainable development is used to strengthen the protection of human dignity and the common good (see the goals of sustainable development in practice in: Sustainable development in the European Union. A Statistical Glance from the Viewpoint of the UN Sustainable Development goals).

While in previous studies, the authors of this text were focused on defining the constitutional basis of sustainable development, the following text will consider how sustainability is perceived in European Union law. This is not about duplicating the doctrine's findings on the definition of sustainable development and its importance for the European Union, but about seeking links between sustainable development in European Union law and the system of values (Sjåfjell, 2010, p. 2-5; Sjåfjell, 2009). An attempt will be made to determine whether the Court of Justice of the European Union (CJEU) consciously refers to a specific axiological order when referring to sustainable development in its rulings.

The subject of the research is the identification of the sources, including non-legal sources, which are used by the CJEU when referring to sustainable development. It will be checked if the CJEU identifies sustainable development with the legal norm, the principle of functioning of the European Union or with other (non-normative) sources. By appealing to selected judgments and their justifications, it will be determined whether the argumentation of this Court proves that this authority has adopted a certain system of values to make decisions in the field of environmental protection.

For the above reasons, it was necessary to recognise:

- whether sustainable development is a normative category, and if so, how was it shaped by the EU legislator,
- if sustainable development in European Union law has a reference to ethical values, philosophy, etc.,
- how the Court of Justice of the European Union uses the construction of sustainable development.

The analysis, however, is not about comprehensively describing the jurisprudence regarding sustainable development, but about the attempt to answer the question of whether the CJEU (and earlier the European Court of Justice), when referring to sustainability issues, adopts a certain axiology, and if so, whether it is expressed in the justifications of its judgments.

2. The nature of sustainable development in the law and policy of the European Union

The problem of sustainable development has accompanied the European Union from the beginning of the formation of this international organisation. It has become a determinant of shaping legal acts, as well as Community policies, and then the Union. Although the concept of sustainable development in the European Union occurs in various contexts, it is a slogan that neither the EU legislator nor the law enforcement authorities omit in their activities. The significance of this category for the functioning of the EU is evidenced by the fact that sustainable development appears directly in the texts of the primary law of the European Union, and thus can be developed in other legal acts, as well as affect the legislation and policy of the Member States (see more about development of this issue in the EU from 1992 described by Pallemmaerts, 2006, pp. 20-25). It should be noticed that the understanding of sustainable development by the European Union and its institutions is integrated and balanced with global agendas and regulations. The members of EU signed the 2030 Agenda for Sustainable Development. This means that the European Union uses terms and definitions related to sustainable development as indicated in international documents. The adoption of the 2030 Agenda was a landmark achievement, providing for a shared global vision towards sustainable development for all. The 2030 Agenda integrates in a balanced manner the three dimensions of sustainable development – economic, social and environmental. This document is also indivisible, in the sense that it must be implemented as a whole, in an integrated rather than a fragmented manner, recognising that the different goals and targets are closely interlinked. The 2030 Agenda is based on the concept of global partnership, supported by a comprehensive approach to the mobilisation of all means of implementation, and is complemented by the Addis Ababa Action Agenda, which is an integral part.

2.1. Basics of sustainable development in primary European Union law

First of all, it should be noted that the expression “sustainable development” appears in the texts of EU law and is therefore a normative category. This concept is found in primary EU law; in particular, it can be found in:

- preamble to the Treaty on the functioning of the EU (TFEU),
- preamble to the Treaty on European Union (TEU),
- art. 3 TEU, which expresses the objectives of the European Union,
- art. 21 TEU,
- art. 11 TFEU, which determines the establishment and implementation of Union policies,
- art. 191 TFEU, talking about the Union's policy in the field of the environment,
- art. 37 Charter of Fundamental Rights.

Reading the individual passages of the preambles and the provisions of the treaties leads to the conclusion that the concept of sustainable development appears in primary EU law in various contexts. It should be noted that sustainable development in primary EU law is expressed as an objective or as a rule.

As an objective, sustainable development occurs in art. 3 TEU, art. 21 TEU and art. 11 TFEU, and as a principle, it appears in the preamble of the TEU and art. 37 of the Charter of Fundamental Rights. In addition, in art. 191 TFEU, sustain development is a criterion for the development of the European Union's environmental policy.

The above shows that sustainable development is a category that, due to the fact that it is not homogeneous, can be used to justify specific political, legislative and juridical decisions. However, the point of reference when interpreting the concept of sustainable development must be the values on which the European Union is founded. These values are indicated in art. 2 TEU: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail". Therefore, an analysis of sustainable development must always be made in the perspective of these goals and values, which are expressed in the quoted wording of the TEU. It can therefore be concluded that art. 2 sets out a specific axiology of the functioning of the European Union with its system of organs and Member States. It is also a reference point to the CJEU's jurisprudence activity, which is bound by the framework set by the treaties (see more: Radecki, 2016).

There is no rigid and legal definition of sustainable development in primary UE law. It is not needed. As has already been said, in these matters, the arrangements arising from international documents on sustainable development should be used. However, the meaning of this expression can be interpreted from the content of EU law by indicating its constituent elements, i.e. the principles that make up sustainable development. In secondary EU law, sustainable development is understood as "improving the standard of living and prosperity of relevant populations as part of the potential of the ecosystem by preserving natural resources and their biodiversity for current and future generations" (Regulation (EC) No. 2493/2000 on measures to promote the full integration of the environmental dimension in the development process of developing countries).

An analysis of EU law allows one to indicate the principles defining sustainable development. Such a catalogue is not closed, but it determines the essence of the subject. The principles of sustainable development are, in particular: 1) the obligation to ensure the sustainable use of natural resources; 2) the precautionary principle; 3) the principle of preventive activities; 4) the principle of public participation; 5) access to information about the environment; 6) the principle of good governance; 7) the principle of integration.

The obligation to ensure the sustainable use of natural resources should be based on such obligations as preservation, protection and improvement of the quality of the environment, protection of human health, prudent and rational use of natural resources and promoting activities at an international and regional level to address environmental problems, in particular those related to climate change.

The precautionary principle is described in article 191(2), which provides that Union policy on the environment is based on the precautionary principle. Based on this principle, measures should be taken to prevent damage to the environment. The sources of damage should be removed, and the polluter should pay.

The principle of preventive activities says that the best environmental policy is to prevent the formation of pollution or nuisance at the source and not to eliminate their effects. Any use of natural resources or nature that causes significant damage to the ecological balance should be avoided.

The principle of public participation means that sustaining participation is essential for realising sustainable development, involving dialogue with representatives of civil society stakeholders, stakeholder consultation, a citizens' initiative to promote good governance and ensure the participation of civil society, Union institutions, bodies, as well as offices and agencies operating in an open manner.

It is also important to ensure access to information about the environment, which is one of the human rights. Every citizen of the Union and any natural or legal person residing or established in a Member State has the right of access to documents of Union institutions, bodies, offices and agencies. The general rules and limitations of access must be determined by law.

The use of sustainable development constructions must also take into account the principle of good governance. In order to promote good governance and ensure the participation of civil society in the implementation of sustainable development, the institutions, bodies, offices and agencies of the Union shall act in an open manner. The Union defines and conducts common policies and activities and will work for a high degree of cooperation in all fields of international relations to promote an international system based on stronger multilateral cooperation and good global governance.

Finally, sustainable development is inseparable from the principle of integration. There must be environmental protection requirements integrated with the Union's policies and activities, in particular to promote sustainable development. Therefore, it is necessary to support economic, social integration, taking into account environmental elements. These areas must be consistent and mutually reinforcing. Sustainable development may be a tool for integration when creating and applying the law (Harris, 2000, pp. 5-7).

The above-mentioned legal grounds create the normative context in which the CJEU is to issue decisions related to environmental protection. Despite the lack of a legal definition of sustainable development in primary EU law and the treatment of this category once as principles, once as a goal and even as an intrinsic EU value, one can refer to the axiology

of art. 2 TEU: the EU court has normative grounds that set up a framework for the use of sustainable development in case law. The CJEU should also use international documents and agendas on sustainable development. The non-normative references to sustainable development that influence the shaping of European Union policies can be imposed on the above-mentioned legal framework.

2.2. Relation of the right to a sustainable development policy – practical and axiological determinants

Before the concept of sustainable development was transposed into law, it appeared in various political concepts. Along with the growing importance of the idea of sustainable development, it began to penetrate into the law in the form of legal regulations as implementations of the adopted policy.

Initially, attention was paid to the need to protect the environment, which resulted from excessive degradation of the natural environment, being the result of the development of technology in the second half of the twentieth century. The discussion at that time on the ecological issue clearly influenced this political trend. Political concepts of societal development were created covering both global strategies of activities as well as individual regions. They expressed the need to build a “human partnership with its proper natural environment, taking into account the ecological prosperity of current and future generations” (Łepko, 2011, p. 75). In the 1980s, thanks to the Brundtland Report, attention was paid to the need to protect not only the natural environment, but also the social one. It was recognised that the issues of the natural environment should be considered in connection with demographic problems, the phenomenon of poverty and economic development processes, as they are the cause and effect of environmental changes on a global scale. Therefore, in the concept of sustainable development policy, much more should be perceived than in the tasks undertaken within the framework of environmental policy. The policy of sustainable development, which is implemented in relation to the specified threats to the social and natural environment, is determined by means of strategic and legal documents created for this purpose. Therefore, the law, including environmental law, determines the possibility of implementing the adopted policy. It subordinates itself to politics, in the sense that it becomes an instrument enabling its implementation. In the policy of sustainable development, as in the case of other policies, you can see the dynamic element. This is understood as a continuous change, which is conditioned by the necessity to solve the currently emerging “(...) existential problems of shaping, maintaining and supporting social life” (Kość, 2002, p. 12).

The flexible character of the sustainable development policy requires adaptation to unpredictable situations, which often translate into provisions of other documents, such as strategies or agendas (see: e.g. Transforming Our World. The 2030 Agenda for Sustainable Development, A/RES/70/1; sustainabledevelopment.un.org).

The sustainable development policy has its axiological background. This is already echoed in the first principle of the preamble to the Rio Declaration on Environment and Development: “Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature” (The Rio Declaration on Environment and Development, 1992). In practice, this policy is usually based on anthropocentric axiologies. “Anthropocentric axiologies are focused on the human being and his needs: they are the reference point in the intentions and political activities” (Kielczewski, 2009, p. 233). Nowadays, these are usually axiologies based on the premises of weak anthropocentrism, in which the postulate is to strive to improve the quality of human life, to provide man with the best existential conditions, but at the same time, to take into account the good of the natural environment. It is the perception of the ecosystem as a whole, which should be subordinated to the development of each of its elements, but above all, due to the well-being of the human being.

Attention is also paid to axiological issues in law, indicating the existence of certain values which determine the legal culture of a particular community. A major challenge is to identify transformations in the area of the dynamics of values that are the foundation for a specific legal system (Trzcińska, 2018, p. 336). It is generally accepted that the legal order must be based on the principles of social justice and general morality.

Both in political and legal documents in the field of sustainable development, one can point to the values explicitly expressed in their content, as well as those that result from them in an indirect way and are reflected, for example, in institutional activity, guided by a specific axiology. In European Union law (e.g. the EU treaties), sustainable development is recognised as a legal value, while in the main documents on the development policy, the prerequisites for achieving sustainable development are certain values (see: e.g. Agenda for Change, The 2030 Agenda for Sustainable Development).

When making ethical and axiological reflections on political documents and legal acts concerning sustainable development, it is worth referring to the axiological system proposed by A. Papuziński. He presented three levels of values: 1) ideal (constitutive), 2) autotelic and 3) instrumental. The last two belong to the area of practical values. Referring to the thought of Dieter Birnbacher, the author decided that: “(...) practical values without ideal values would be arbitrary, while ideal values without practical ones would remain alienated from reality” (Papuziński, 2013, p. 10). Papuziński also made references to the values of the order of sustainable development. Among the ideal values, he distinguished: the dignity of a person (as a common value for the whole axiology of sustainable development), progress and justice, a human being as an individual and quality of life. He pointed out that the remaining ones are of the social, economic or environmental order. Autotelic values include such values as: prospects of development and action, existential security and social productive potential. They constitute a higher level of practical values. The lower level of practical values are instrumental values, including: sustainable consumption (a variant of restraint), veracity of

prices, an efficiency revolution and retention of the service potential of nature (Papuziński, 2013, pp. 10-11).

3. The importance of the construction of sustainable development in the jurisprudence of the CJEU for environmental protection

3.1. The use of sustainable development in the jurisdiction of the CJEU. Selected issues

A preliminary analysis of the case law of the EU Court of Justice (also the decisions that were issued prior to the entry into force of the Treaty of Lisbon) indicates that the concept of sustainable development is the benchmark for the Court in Luxembourg. In the justifications of the rulings, the Tribunal refers to sustainable development in the following context:

- the balance of the values and different interests of the participants in the proceedings,
- the necessity of selecting reaction measures adequate to the (balanced) situation,
- the methods of the bodies, institutions and other entities to ensure effective protection of the environment against threats.

As an example of a case in which sustainable development was an instrument of weighing interests, one can provide case no. C-371/98. This is an approach to sustainable development which assumes that the conservation of biodiversity should be promoted, taking into account economic, social, cultural and regional requirements. This approach is a contribution to the overall goals of sustainable development. The concept of sustainable development therefore does not mean that environmental interests must necessarily and systematically outweigh the interests of other policies pursued by the Community. On the contrary, a balance is needed between various interests that sometimes clash, but which need to be reconciled. It is not always necessary to give priority to environmental protection, but this kind of action must be justified by the need to implement other principles and values (see: judgement of the Court, 7 November 2000, C-371/98).

Similar was the Court's action in case no. C-513/99 (see: judgement of the Court, 17 September 2002). It held that in light of the Treaty provisions, environmental protection is one, but not the overwhelming, criterion of shaping legal relations (contracts).

A case indicating that sustainable development is a goal to be pursued, was, for example, case no. C-284/95. The Court of Justice recognised that EU environmental policy is intended to ensure a high level of environmental protection. However, there is no need to involve all possible technical measures in this area (see: judgement of the Court, 14 July 1998, C-284/95).

The approach to sustainable development as a rule is shown, for example, in casenos. C-318/98 and C-180/96. In these cases, the Tribunal referred to the precautionary principle, which can be an element defining the principle of sustainable development. The ECJ explained

that, in accordance with the precautionary principle, the European Union and the Member States should take measures to prevent, reduce and, if possible, eliminate pollution or nuisance from the source by taking measures of a nature to eliminate the identified risks (see: Judgment of the Court, 22 June 2000, C-318/98). Thus, the Tribunal used in its ruling one of the elements defining the principle of sustainable development, namely the precautionary principle, and applied it to the decision. The Court did likewise in case no. C-180/96, in which the CJEU stated that in the case of uncertainty about the existence or scope of threats to people, health institutions can take protective measures without waiting until the reality and gravity of these threats become fully visible (see: order of the Court, 12 July 1996, C-180/96).

The analysis of the content of the Court's justification in Luxembourg leads to the statement that the CJEU usually does not explain the methodology of its functioning. Since sustainable development and environmental policy issues are a normative category expressed in the treaties, this circumstance allows the Court to use this measure in its case law. Of course, the functioning of the EU is based on certain principles, objectives and values to be taken into account in the application of the law. However, the problem of what particular axiological system is adopted during adjudication remains outside the normative system. The lack of explicit statements of the Tribunal in this respect may therefore hinder the combination of certain normative and axiological categories. Therefore, in order to understand the system of values adopted by the CJEU, one should look at the axiology of acts establishing the European Union. In the treaties and international documents on sustainable development, there should be a source of knowledge about the system of values on which this organisation is based.

3.2. Ethical aspects of the case law of the Court of Justice of the European Union in the field of environmental protection

The law indicates the dual nature of the principle of sustainable development. On the one hand, it is a procedural principle, while on the other hand, its content has the nature of a clause referring to sustainable development. The procedural understanding of this principle means that it does not specify the material content of sustainable development, but it sets out ways to specify its content and implementation. Analysing the principle of sustainable development as a reference clause means referring legal norms to non-legal phenomena. In the case of sustainable development, they will include economic, social, environmental and cultural phenomena. The inclusion of non-legal phenomena in law is justified by the necessity of using concepts that can not be fully defined through legal notions (Sommer, 2005, p. 149). The semantic richness attributed to the broad contexts of sustainable development, despite valuable approaches, may sometimes prove problematic and generate the risk of violating one of the foundations of the law, which is the principle of legal certainty.

The law organises and regulates social life, but the legislator is not able to include in the categories of legal norms to all existing phenomena. Therefore, it refers to non-legal norms, which, in each case, require clarification. Appealing to the reference clauses is a technique used

in the judgments of the Court of Justice of the European Union, *inter alia* in matters of environmental protection. Depending on the subject matter of the judgment, the CJEU refers to detailed documents regarding the protection of the natural environment. As already mentioned, in its justifications, the Tribunal refers to sustainable development in three principal goals. First, to balance the values of the participants of the proceedings; secondly, to emphasise the need to choose solutions consistent with the postulates of sustainable development; third, to determine the mode of action of the bodies, institutions and other entities to ensure effective protection of the social and natural environment against threats.

The analysis indicates that the CJEU uses these three contexts of sustainable development mentioned above. The tribunal rules on the basis of law, so it primarily refers to specific legal acts and documents. At the base of many of the legal acts, there is some axiology of sustainable development.

Ecological policy in the general sense means the actions of the State and its agencies in the field of environmental protection. The administrative and legal approach to environmental policy, as defined in the Act of 27 April 2001 on Environmental Protection Law, as a formal document, the purpose of which is to create the conditions necessary to implement environmental protection, seems too narrow. A. Papuziński, recognised that, in this sense, the ecological policy is only a tool for achieving ecological goals. The author emphasised that focusing on the pragmatic side of politics as a set of techniques for influencing society means that this policy is treated only in technocratic terms. This, in turn, has two consequences – practical, consisting in not taking into account the generally social aspects of politics, important for the quality of social life, and theoretical, which is associated with the failure to observe the philosophical dimension of environmental issues (Papuziński, 1998, p. 239).

The policy for environmental protection aims at achieving objectives related to the protection of nature and the natural environment. In addition to protecting the current state of the environment, rational use of environmental resources and preventing its degradation, it includes research into the management of environmental protection, as well as organisation, planning and management of environmental protection processes and integration of these processes with social and economic activities (Kielczewski, 2009, p. 231). Implementation of the assumptions and objectives of such policy is associated with the implementation of certain social, economic and ecological values falling within the axiology of sustainable development.

Another issue is the creation of proposals for the general axiological framework for the undertaken activities based on political documents and legal regulations. In this situation, there may be dilemmas of values, their relativisation and the risk of implementing an unsustainable axiology and, consequently, different ways of perceiving the future reflected in the strategies of activities.

4. Conclusions

In summary: sustainable development is a normative category in EU law. It is expressed as either a goal or a principle. In practice, sustainable development is used as a tool to explain the selection of specific solutions to respond to environmental threats in the process of creating and applying the law. Through sustainable development and its principles, the Court of Justice of the EU weighs up interests, values and assets to choose the optimal solution for environmental policy, with specific goals and values. They are not always considered opposing, but on the contrary, the feature of sustainability enables them to be harmonised and integrated.

At the basis of environmental policy and legal documents regarding sustainable development, which are the subject of the CJEU analysis, there is some axiology, which is not a reference point when preparing and justifying judgments in matters of environmental protection. Thus, it is difficult to find explicit references to axiology in the content of the judgments of decisions regarding environmental protection. Environmental matters that are the subject of the Court's rulings are perceived by the institution as important issues from the point of view of the good of nature as well as human life. Thus, it must be recognised that the law of sustainable development is directly related to human rights in the environmental, economic and social dimension. A good condition of the natural environment is certainly a desirable value. It is worth emphasising that the CJEU's justifications, despite the fact that they ignore the axiological argumentation, reflect the anthropocentric nature of the interpretation of contemporary legal acts concerning environmental protection and are ultimately conditioned by the good of man.

References

1. Charter of Fundamental Rights (2012/C 326/02). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>.
2. Harris, J. (2000). Basic Principles of Sustainable Development. *G-DAE Working Paper, 00-04*, 1-25.
3. Judgement of the Court, 14 July 1998, C-284/95.
4. Judgement of the Court, 22 June 2000, case C-318/98.
5. Judgement of the Court, 7 November 2000, C-371/98.
6. Judgement of the Court, 17 September 2002, C-513/99.
7. Kiełczewski, D. (2009). Aksjologiczne podstawy polityki ochrony środowiska. *Zeszyty Naukowe Ostrołęckiego Towarzystwa Naukowego*, 23, 229-244.

8. Klimska, A., Syryt, A. (2018). The Ethical and legal conditions of sustainable development - introduction to research. *Zeszyty Naukowe Politechniki Śląskiej. Seria: Organizacja i Zarządzanie*, 123, 197-209, doi: <http://dx.doi.org/10.29119/1641-3466.2018.123.13>.
9. Kość, A. (2002). Relacja prawa do polityki w demokratycznym państwie prawa. *Roczniki Nauk Prawnych*, XII, 1, 5-17.
10. Łepko, Z. (2011). W sprawie polityki dla zrównoważonego rozwoju. *Seminare*, 29, 75-89.
11. Order of the Court, 12 July 1996, case C-180/96.
12. Pallemarerts, M. (2006). The UE and Sustainable Development: An Ambiguous Relationship. In: M. Pallemarerts, A. Azmanova (Eds.), *The European Union and Sustainable Development: Internal and External Dimensions* (pp. 20-25). Brussels.
13. Papuziński, A. (1998). *Życie, nauka, ekologia. Prolegomena do kulturalistycznej filozofii ekologii*. Bydgoszcz: WSP.
14. Papuziński, A. (2013). The Axiology of Sustainable Development: An Attempt and Typologization. *Problems of Sustainable Development*, 8(1), 5-25.
15. Radecki, W. (2016). *Rola sądów i trybunałów w ochronie środowiska*. J. Rotko (Ed.), Warszawa.
16. Regulation (EC) No. 2493/2000 on measures to promote the full integration of the environmental dimension in the development process of developing countries.
17. Sjøfjell, B. (2009). *Towards a Sustainable European Company Law. A Normative Analysis of the Objectives of EU Law, with the Takeover Directive as a Test Case (Alphen aan den Rijn*. Kluwer Law International.
18. Sjøfjell, B. (2010). *Sustainable Development, EU Law and Companies: The EU Law Framework for the Sustainable Companies Project*. Oslo, 1-15, https://www.researchgate.net/publication/228183533_Sustainable_Development_EU_Law_and_Companies_The_EU_Law_Framework_for_the_Sustainable_Companies_Project.
19. Sommer, J. (2005). Unijne i krajowe uwarunkowania prawne kształtowania zrównoważonego rozwoju. In: B. Poskrobko, and S. Kozłowski (Eds.), *Zrównoważony rozwój – wybrane problemy teoretyczne i implementacja w świetle dokumentów Unii Europejskiej* (pp. 147-171). Białystok-Warszawa: Komitet „Człowiek i Środowisko”.
20. Sustainable development in the European Union. A Statistical Glance From the Viewpoint of the UN Sustainable Development goals, 2016 edition.
21. The Rio Declaration on Environment and Development (1992). *Report of the United Nations Conference on Environment and Development*, A/Conf.151/26 (Vol. I).
22. *The Treaty on European Union*, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012E/TXT&from=PL>.
23. *The Treaty on the Functioning of the European Union*, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012E/TXT&from=PL>.
24. *Transforming Our World. The 2030 Agenda for Sustainable Development*, A/RES/70/1, sustainabledevelopment.un.org.

25. Trzcńska, D. (2018). Sprawiedliwość ekologiczna w systemie prawa ochrony środowiska. Wartość czy wyzwanie dla praw człowieka. In: B. Gronowska, B. Rakoczy, J. Kapelańska-Pręgowska, K. Korpus, and P. Sadowski (Eds.), *Prawa człowieka a ochrona środowiska. Wspólne wartości i wyzwania* (pp. 325-345). Toruń: Katedra Praw Człowieka UMK.