Preliminary Abstract 2

Evgenia Pavlovskaiia
Abstract

The use of sustainability criteria in a binding legal context, in order to promote environmental sustainability, has so far not been thoroughly researched. Nor have the typical difficulties and challenges of including sustainability criteria in a legal framework been specified. Effective mechanisms for implementation and control of the fulfillment of sustainability criteria have neither been worked out. The main purpose of this thesis is to develop an approach, and with its help to investigate how sustainability criteria can be used as a tool in a legal context to promote sustainable products and sustainable production. Two theoretical models have been combined and applied in structuralizing and analyzing the collected empirical material. Sustainability criteria have been viewed as part of a larger structural unit incorporated in a legal framework, where all elements serve to provide efficient enforcement and fulfillment of these criteria. There has been special focus on the issue of control of the fulfillment of legislated sustainability criteria, and how this control might possibly be organized.

As the basis for the empirical case study, the thesis examines EU policy – including two binding EU Directives – on sustainable biofuels in the transport sector. This choice has been made, because, globally, the EU approach is one of the first and most ambitious examples on how sustainability criteria can be incorporated in a legal framework, and how control of their fulfillment can be achieved. The analysis of EU policy for biofuels has been enriched by a comparative example of using sustainability criteria in the coffee sector, along with the control mechanisms applied there.

The results of the research highlight that sustainability criteria can be efficiently included in a legal framework with the purpose of standardizing, achieving and safeguarding environmentally sustainable quality of products and their sustainable production. This can be done by following various steering models and approaches. To function properly, sustainability criteria should not be incorporated in a legal framework alone. They should be accompanied by other elements that cover other important aspects such as enforcement of the sustainability criteria, their supervision, administration, control of fulfillment and assessment of the achieved results. Great attention should be paid to the establishment of a well-functioning control system that takes into consideration the practical possibilities for the actors, being addressed by a legal framework with sustainability criteria. Further research on using sustainability criteria in a legal context for different types of products, possibly with the traits of a comparative analysis, can be recommended.

Key concepts: environmental law, sustainability criteria, regulation of sustainable production.