

The Concept of Sustainable Development in the Chinese Civil Code and the European Union Law: A Comparative Analysis, Insights, and Future Perspectives

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Abstract: Green development is the background of high-quality development, and new productivity itself is green productivity. The legal concept of sustainable development and the policy basis of ecological civilization jointly determine the legitimacy basis of the green principle, and endow the green principle with strong vitality and independent value. The identity of China and Europe based on the concept of sustainable development provides a prerequisite for the cooperation between the two sides in the field of environmental protection. The specific provisions of China 's " Civil Code " and the EU 's series of environmental regulations and policies, as well as the specific measures taken by China and Europe in the implementation of the concept of sustainable development, reveal the similarities and differences between the two in environmental protection. In the future, we should focus more on the guarantee system arrangement in the implementation of the law and the balance of public and private interests under the green principle, so as to give full play to the core role of the green principle in promoting environmental protection and sustainable development.

Keywords: Green Principle, the Chinese Civil Code, EU Environmental Law

1. Introduction

Currently, the world is facing the challenges of climate change, with extreme weather events, storms, droughts, floods, and other disasters causing severe and destructive consequences. Few policy issues will shape the future as profoundly as environmental degradation and digitalization.^[1]

The EU has clearly become an important participant in the field of international environmental law. Over the years, the EU has gradually built its own legal framework to help EU member states and EU institutions correctly apply EU environmental protection regulations. In addition, the role of environmental protection in the EU 's expanded policy system needs to be reassessed and given a more prominent position. Chinese Civil Code and the environmental regulations and policies of the European Union both embody the concept of sustainable development, but there are still differences in specific institutional arrangements and judicial application. The core purpose of this paper is to reveal the practical value and theoretical significance of the concept of sustainable development in the legal system of China and the European Union.

This article will first analyze the general provisions of the green principle in Chinese Civil Code, including the principle of resource conservation and ecological environment protection, as well as the specific provisions of this principle in the article of property rights, contract compilation and tort liability. At the same time, this article will take a series of environmental regulations and policies of the European Union as a reference benchmark to explore the similarities and differences between China and the EU in legislative concepts. On this basis, this article will further explore the application of green principles in judicial practice, especially focusing on the judicial handling of disputes in the field of public and private law in China, as well as the relevant practices of the European Union. In addition, this article will also deeply analyze the basis and future prospects of cooperation between China and Europe in the development of green principles.

2. The Legitimacy of China's Green Principles

2.1 The Legal Concept of Sustainable Development

Under the guidance of the legal concept of sustainable development, the legal systems of China and the European Union have incorporated environmental protection into the scope of legal regulation. The concept of sustainable development stems from the profound reflection on the relationship between economic growth and environmental protection. It requires us not to sacrifice environmental resources while pursuing economic development, so as to ensure that the survival needs of contemporary people and future generations can be met.

Compared with the traditional concept of civil law, the introduction of green principles expands the scope of legal regulation from interpersonal relationships to the relationship between people and nature. This transformation is not simply an extension of the legal field, but a re-examination and innovation of the essence and core values of law. The inclusion of the green principle means that the law no longer focuses only on the protection of individual rights, but begins to consider the impact of individual behavior on the natural environment.

Against this background, even if we focus on China's legal system, we must realize that the introduction of the "green principle" is a modern adjustment and concrete practice of the concept of sustainable development. The establishment of the green principle not only inherits the concept of natural law, but also reflects the innovation and development of this concept in modern society. The Civil Code clearly establishes the principles of "saving resources" and "protecting the ecological environment", which not only highlights China's importance to the rational use of natural resources, but also reflects China's firm commitment to ecological safety. At the EU level, sustainable development is also regarded as the core guiding principle of legislation. Through a series of environmental regulations and policies such as the European Green Deal and the Environmental Action Plan, the European Union has transformed the concept of sustainable development into legal norms, promoting the harmonious coexistence of economic growth and environmental protection. The internal logic of this legislative model, that is, to achieve mutual benefit and win-win results between environmental protection and economic development, is its core. Promoting development through legal means has fundamental and core commonality with the legal foundation of the "green principle" in China's legal system.

2.2 The Policy Foundation of Ecological Civilization

In China, the legal concept of 'sustainable development' has deeply resonated with the public and has become an important part of the national governance system. Since China signed the "Declaration of the United Nations Conference on the Human Environment" in 1972, the 2018 constitutional amendment has added content related to this new development concept and ecological civilization, promoted the formulation of laws related to environmental protection and resource protection, and demonstrated the Chinese government's determination to implement the development strategy of ecological civilization.

The "greening" of the legal system continues to advance. In the field of civil law, the "General Provisions of the Civil Law of the People's Republic of China" passed in March 2017 introduced the green principle, which states that "When conducting a civil activity, a person of the civil law shall act in a manner that facilitates conservation of resources and protection of the ecological environment." And the green principle is positioned as one of the six fundamental principles of civil law. The reason China established the green principle in its Civil Code is due to the pivotal importance of the ecological civilization concept in the national development strategy. This concept combines the pursuit of economic growth with the necessity of environmental protection, reflecting China's profound understanding and firm commitment to ecological civilization construction. The green principle not only embodies the spirit of environmental protection in the Constitution but also responds to the strategic requirements for the national construction of ecological civilization and the promotion of sustainable development. By elevating environmental protection to the level of a fundamental principle of civil law, it showcases the characteristics of the era and opens a legal pathway for the protection of environmental resources. This is beneficial for establishing a new relationship between humans and nature in the ecological age and aligns with the trend of green legislation. The establishment of the green principle as a basic guideline to guide civil subjects in resource conservation and ecological protection both inherits the traditional Chinese philosophy of harmony between Heaven, Earth, and humanity and meets the long-term needs of a populous nation like China in addressing the relationship between humans and natural resources.

Clearly, this policy foundation provides strong support for the implementation of the green principle, ensuring that it is not merely a moral advocacy but carries legal binding force. It should also be noted that the implementation of the green principle is not isolated, which needs to be integrated with other laws and regulations to form a comprehensive environmental protection legal system.

2.3 The Identity of the Legitimacy between China and the EU

The legal recognition between China and the European Union is mainly reflected in the modern interpretation of sustainable development and the common adherence to ecological policies by both sides. This recognition not only provides a solid theoretical foundation for the implementation of sustainable development, but also creates a legal resonance for cooperation in the field of environmental protection.

In the basic environmental laws and regulations of countries around the world, sustainable development strategies are regarded as cornerstones and the highest goals. The European Union emphasizes the importance of ecological balance in its environmental policy, and has adopted a series of environmental regulations and policies to gradually improve the effectiveness of environmental law enforcement. For example, both the EU Environment Action Programme and the European Green Deal aim to promote the coordinated development of economic activity and environmental protection.

3. Main Content of the concept of sustainable development

3.1 China: General Provisions in the Civil Code

3.1.1 Principle Provisions

According to Article 9 of Chinese Civil Code, the two specific requirements of " resource conservation " and " ecological protection " constitute the core content of the green principle, which embodies the concept of sustainable development.

From an objective point of view, in order to meet the needs of ecological environment protection within the framework of traditional civil law, the concept of " ecological protection " can be incorporated into the principle of " public order and good customs, " especially as a part of public order. However, with the increasing importance of a certain issue, its trend of becoming independent in the legal system is becoming more and more significant. The explicit provisions of the " green principle " in Chinese Civil Code not only reflect the country 's high attention to environmental issues, but also a positive response to China 's current promotion of ecological civilization construction.

The importance of this clause can be explained from the following dimensions: First, the green principle has been established as one of the basic principles of civil law. In the third draft of the General Provisions of Chinese Civil Code, this clause is placed under the chapter of "Civil Rights" and specifically regulates the exercise of rights, which indicates that this clause only applies to the exercise of rights and does not involve matters such as the creation of rights. Finally, the General Principles of Chinese Civil Code re-established this principle as a basic principle, showing that its spirit should permeate all fields of civil law. Secondly, the green principle belongs to the category of the systematic restriction principle. Therefore, it is not the core or dominant principle of civil law, but is used to adjust and supplement the basic structure of civil law with individual interests as the core. Finally, the establishment of Article 9 of Chinese Civil Code makes the green principle a new element in the civil law system. The principle not only guides the exercise of rights, but also has a wide impact on many areas of civil law, requiring judges to take ecological factors into account when adjudicating. Ecological and environmental protection is regarded as an important consideration for legal interpretation and filling of legal loopholes, which reflects the balanced consideration of personal rights and social interests in the civil law. ^[2]

3.1.2 Specific Provisions

The specific provisions on the green principle in Chinese Civil Code are quite comprehensive and are distributed in many chapters of the Civil Code. This principle is reflected in the real right part, contract part and tort liability part : the real right part includes environmental protection requirements when regulating the exercise of real right, emphasizes that the exercise of real right shall not damage the ecological environment, and maintains the rational utilization and ecological balance of resources from different dimensions ; the contract part integrates the concept of environmental protection into the terms

of contract performance and liability for breach of contract, and specifically stipulates that the parties should follow the green principle when performing the contract. This provision is based on the consideration of value balance, which helps to guide the parties involved in economic activities to take environmental factors into account ; the Tort Liability Code further clarifies the environmental responsibility system and sets strict legal responsibilities for polluting the environment and destroying the ecosystem, which is in line with the policy orientation of the EU 's " Environmental Responsibility Directive " - that is, curbing environmental damage through legal means. In general, there are at least 16 articles involving the green principle in Chinese Civil Code.

In judicial practice, Chinese courts increasingly use the " green principle " as the basis for adjudication in environmental protection cases, which reflects the increasing recognition of the importance of the " green principle " in legal practice. In this regard, the general provisions on the " green principle " in Chinese Civil Code not only reflect the requirements of environmental protection at the legislative level, but also tend to guide civil activity participants to take ecological protection into account in economic activities. This approach is in line with the EU 's environmental regulations and policies in terms of objectives - that is, to promote environmental protection and sustainable development through legal means. The only difference between the two is that China has put the " green principle " throughout many chapters of the " Civil Code " to build a systematic green legal framework ; the EU achieves this goal through a series of environmental regulations and policies.

3.2 European Union: Series of Environmental Legislative Policies

The development of European Union (EU) environmental law can be divided into four stages.

Initial stage (1958-1972) : Initially, the treaties establishing the European Atomic Energy Community and the European Economic Community did not contain any environmental provisions, and environmental issues were not the focus of the EU. It was not until the 1970 s that the European Community began to take measures to promote environmental protection policy cooperation, and occasionally adopted environmental protection decision-making measures.

Preliminary framework stage (1972-1987) : The Paris Summit in 1972 first proposed the establishment of a unified environmental protection policy framework within the European Community. In 1973, the first Environment Action Programme (1973-1976) was formally adopted, which clarified the objectives of environmental policy and the overall action plan. In 1987, the Single European Act came into force, providing a basic framework and a clear legal basis for the European Community 's environmental policy, which in turn led to the formulation of a large number of environmental protection treaties and directives. With the increasing attention to non-economic public interests, environmental protection has gradually become the focus of legislative work.

Development phase (1987-1992) : The Treaty on European Union strengthened the environmental provisions, emphasized the goal of achieving sustainable growth, and revised the relevant treaty provisions. The cooperation procedure has been adjusted to a common decision-making legislative procedure, thereby giving the European Parliament greater influence. The treaty allows member states to adopt differentiated environmental standards to maintain cooperative relationships, and stipulates that if a member state 's burden of complying with uniform standards is too heavy, the Council of Ministers may approve exceptional arrangements or provide financial assistance.

Deepening stage (1992-present): The EU's attention to internal environmental issues has increased significantly. The Treaty on the Functioning of the European Union (TFEU) has established the promotion of sustainable growth related to the environment as one of the basic tasks of the EU and listed the basic principles of the EU's environmental policy. The European Union has also established an independent European Scientific Advisory Council on Climate Change to strengthen external monitoring and assessment of its efforts to achieve its environmental goals. In addition, the European Union continues to introduce new laws, regulations and policies, such as the carbon border adjustment mechanism. While some of these measures still face challenges, legislative processes in some areas have just begun or remain controversial. In general, the development of EU environmental law reflects the transformation of its role - from the initial tool of economic integration to the most important and distinctive component of the EU legal system, effectively promoting the achievement of the EU's sustainable development and high-level environmental protection goals.

The core of EU environmental law is the basic principles clearly defined in Article 191 (2) of ' TFEU ', which guide EU environmental policy and legislation. These principles include high-level protection principle, risk prevention principle, prevention principle, source emission reduction principle and

polluter pays principle.

The principle of high-level protection emphasizes that the core goal of formulating environmental policies and laws is to achieve the highest level of environmental protection; at the same time, the geographical characteristics, economic development level and social structure of the EU regions must be fully considered. For example, areas with a higher degree of industrialization may face different environmental challenges than those in agriculturally areas, so targeted measures should be developed accordingly. The principle of prevention requires that preventive measures should be taken to avoid potential environmental and ecological risks when scientific evidence is insufficient. The principle of source control advocates dealing with environmental damage from the source of pollution, giving priority to reducing emissions, rather than relying on terminal treatment technologies. The polluter pay principle aims to internalize external costs and ensure that the economic responsibility for environmental damage is borne by polluters. The above principles together constitute the cornerstone of EU environmental law and provide guidance for policy formulation and law enforcement in the field of environment. We are committed to environmental protection and strive to achieve the goals of sustainable development and high-level environmental protection.

In terms of the institutional framework, the role of the European Commission and the European Court of Justice has been recognized as a key component of EU environmental law.

3.3 Similarities and Differences in Legislative Concepts Between China and the EU

The basic principles of the EU 's environmental law profoundly reflect its great importance to environmental protection, and show the pluralistic value orientation of its environmental policy from different dimensions. For example, the ' high-level protection principle ' originates from the value trade-off, which not only emphasizes the importance of environmental protection, but also takes into account the actual national conditions of each member state, reflecting the balanced and coordinated governance ideas ; the " precautionary principle " and the " precautionary principle " fully consider the uncertainty at the scientific level and require forward-looking measures before environmental damage occurs, highlighting the EU 's prudent and forward-looking position in the field of environmental protection. Judicial practice tends to take forward-looking preventive measures ; if the above principles reflect the strict position of the EU on environmental protection, the " polluter pays principle " more profoundly reflects the EU 's pursuit of clear responsibility attribution and the consideration of incorporating the market mechanism into the environmental governance system.

China 's green principles are largely similar to the principles of EU environmental law. The main difference lies in the positioning and expression of these principles in Chinese Civil Code. This reflects China 's emphasis on environmental protection in civil activities-this legislative concept is formed in the context of sustainable development policies. Article 9 of Chinese Civil Code is undoubtedly helpful to promote environmental protection and resource conservation, which is in line with the EU 's environmental policy orientation. In judicial practice, Chinese courts also tend to protect the environment and promote green development, which echoes the principles of EU environmental law. In the case of ' Shenzhen Luohu District Urban Management Comprehensive Law Enforcement Bureau v. Guangdong Lianjie Environmental Industry Co., Ltd. ', the court held that if all waste containers are replaced due to factors unrelated to the function of the container (such as the size and thickness of the outer box), it is not conducive to resource conservation and conflicts with the green principle stipulated in Article 9 of Chinese Civil Code. Based on the above considerations, the court decided not to terminate the contract involving 1,686 waste containers that had been delivered.

4. Challenges in the Application of the concept of sustainable development

Jurisprudence is an empirical science, and legal research must be based on actual case law. Based on the theme of ' green principle ', this paper carries out case retrieval and preliminary screening. This study uses Chinalawinfo Pkulaw Database as a search tool, and the search time interval is set from January 1,2021 (the effective date of the " Civil Code ") to June 11,2026. A total of 4,062 judicial decisions quoting Article 9 of the Civil Code of the People 's Republic of China were retrieved.

4.1 Issues of Understanding and Application

The application of the concept of sustainable development within both Chinese and EU legal systems faces a series of challenges, with the most prominent being issues of understanding and application. In

Chinese Civil Code, the green principle serves as a restrictive principle for protecting environmental public welfare, often leading to conflicts between environmental public welfare and private interests such as real rights, contracts, and Succession.^[3]

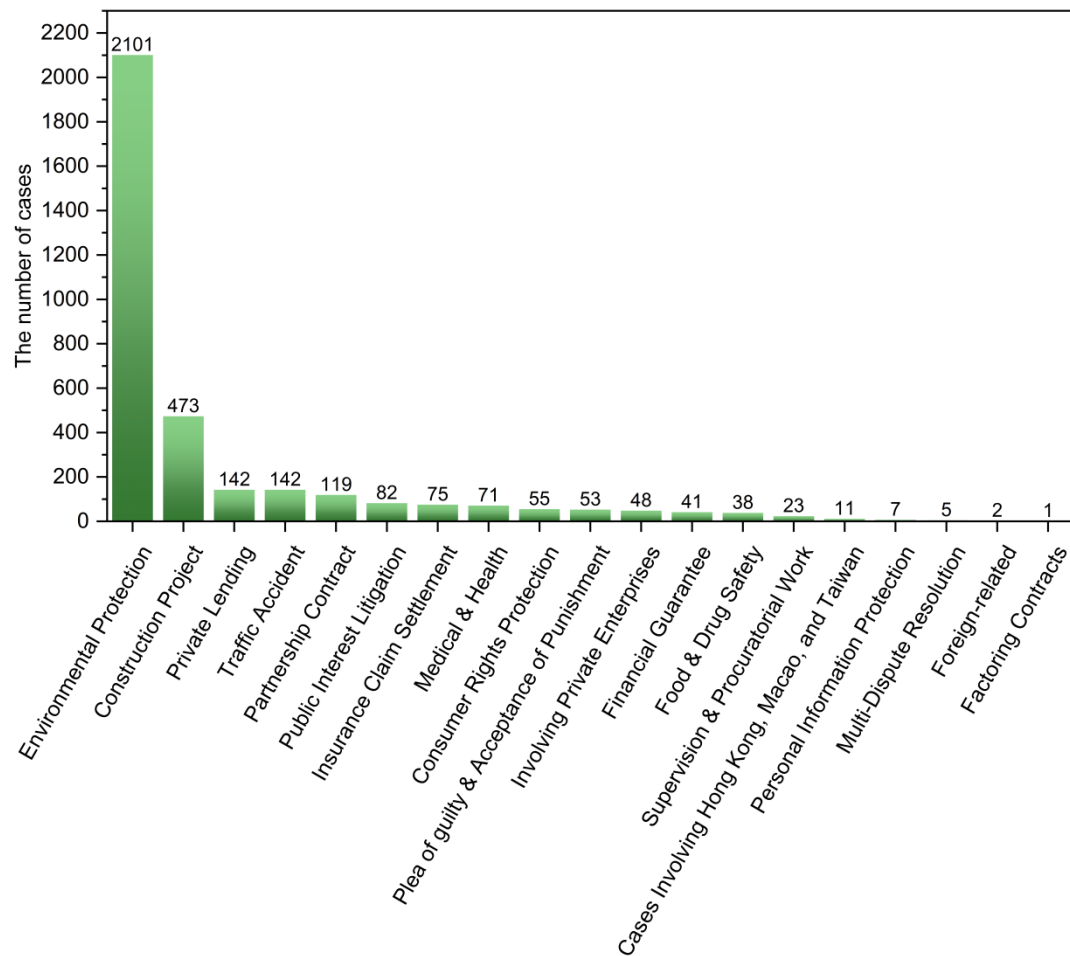


Figure 1. Special topic classification of judicial cases.

According to the collected case classification data (as shown in Figure 1), the number of environmental protection cases has reached 2,101. The high proportion of such cases not only reflects the wide application of the green principle in judicial adjudication, but also shows that judicial practice urgently needs a deeper understanding and application of the green principle. In such cases, the court must balance the relationship between economic development and environmental protection, which essentially challenges the value concept of traditional civil law. When hearing such cases, the court should fully consider the connotation and extension of the green principle to ensure the balance between environmental protection and private rights. Secondly, the application of the green principle is not limited to environmental protection cases, but widely involves many fields such as contract compilation and tort liability compilation, thus increasing the complexity of application. For example, the green obligation clause in contract cases and the green liability clause in tort cases require the court to take into account the protection of private rights and private interests as much as possible. While safeguarding the public interests of the environment, the goal is to achieve a balance between the interests of each subject in the relationship between interests and losses.

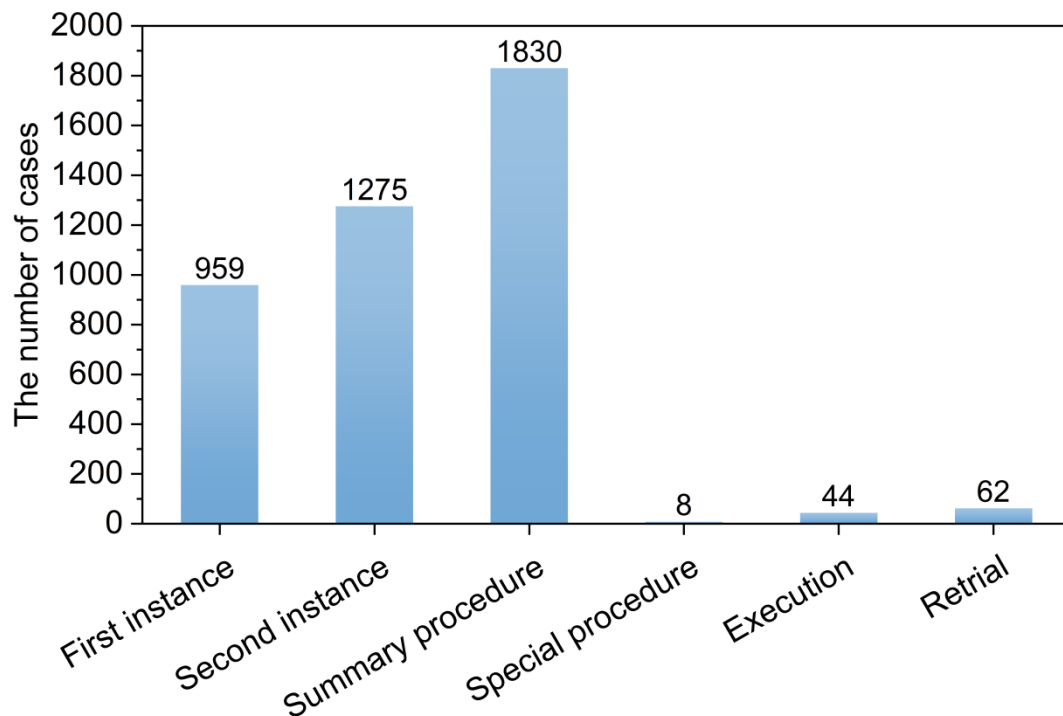


Figure 2. Trial procedures of judicial cases citing the green principle.

In addition, as shown in Figure 2, the trial procedure data shows that the number of cases in the first instance is 959 and the number of cases in the second instance is 1,275. This shows that the green principle is highly valued in both the first and second trials. However, this also means that there may be differences in the understanding and application of the green principle in judicial adjudication, so it is therefore necessary to correct potential deviations with the help of appeal mechanisms.

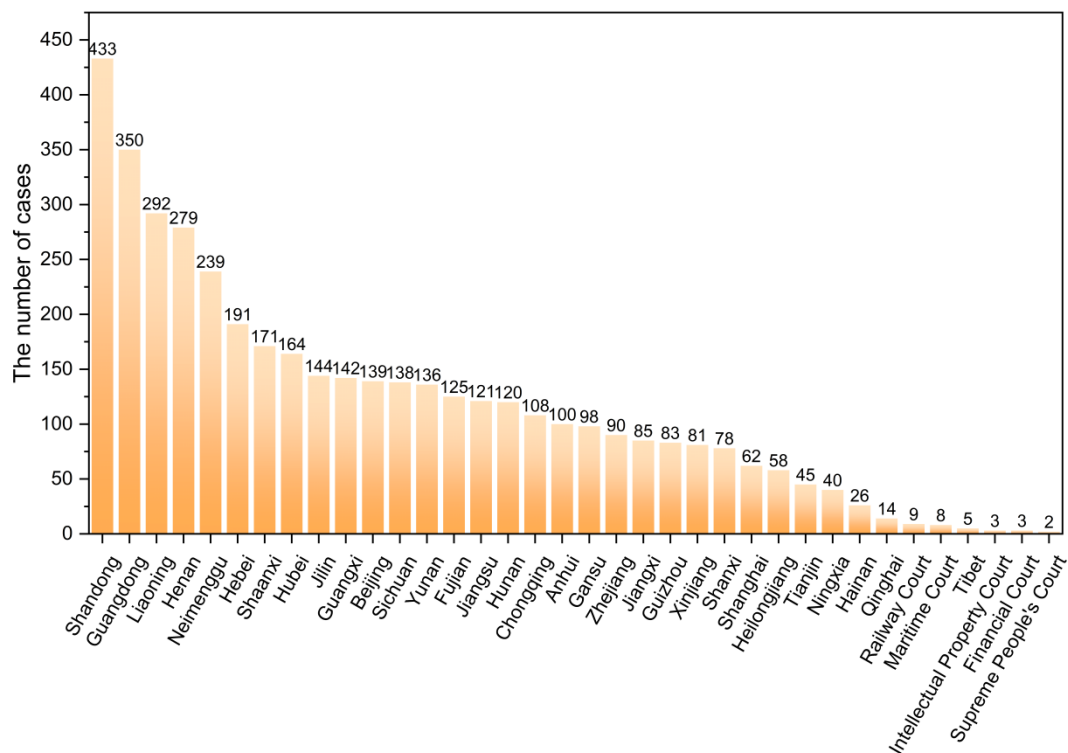


Figure 3. Courts handling judicial cases citing the green principle.

Finally, as shown in Figure 3, the court case data shows that there are regional differences in the application of the green principle. For example, the number of cases accepted in Shandong, Guangdong and Liaoning provinces is relatively large, which may be related to the level of local economic development and environmental protection needs. Such geographical differences require the court to fully consider local characteristics and actual needs when interpreting and applying the green principle, thus increasing the complexity of the understanding and application of the principle. Similarly, changes in the transformation and implementation of EU directives may also lead to significant differences in the regulatory environment.

Therefore, China faces many challenges in understanding and applying the green principle in judicial practice. These challenges not only involve the large number of cases, but also include how to achieve a balance between economic development and environmental protection, the complexity of applicable scenarios in multiple fields, the need to establish an error correction mechanism to correct errors, and the need to consider regional differences. Similarly, in the context of the implementation of the EU Water Framework Directive (WFD) in existing hydropower operations, Sweden has carried out comprehensive legislative and policy reforms to coordinate the relationship between hydropower development and the current social and ecological environment; Finland adopts a bottom-up model based on grassroots collaboration. However, both models are flawed - they are beyond the reasonable boundaries for the correct implementation of WFD, and thus fail to achieve the ecological goals set by WFD for waters affected by hydropower.^[4]

4.2 The Conflict Between Public and Private Interests

The application of the green principle is faced with the problem of public-private conflict or conflict of interest in the legal system of China and the EU. In China, Article 9 of Chinese Civil Code clearly stipulates the green principle. However, the implementation of this principle often leads to conflicts between the protection of environmental public welfare and private rights such as personal property rights and freedom of contract. In the case of infringement of invention patent disputes such as Yantai Refrigeration Equipment Co., Ltd. and Weifang Food Co., Ltd., the court held that although a company 2 had committed the act of manufacturing the infringed product, the infringed product was a large cold storage refrigeration device, and was in operation. Once it was dismantled and destroyed, it would cause damage to the stored frozen product, which would inevitably cause a large waste of social resources. Therefore, the court of first instance changed the civil liability of a company 1 to require a company 2 to stop using the infringed product to the civil liability of paying patent royalties.^[5]

In the European Union, the green principle also faces public-private conflicts. One of the core issues in administrative and environmental law is how to define and identify public interests in complex environments - decision-making in these environments involves collective action issues, a large number of participants, cross-time and spatial scales, and are carried out under conditions of intellectual uncertainty. In the landmark *Franchwich* case, the European Court of Justice (ECJ) ruled that under certain conditions, individuals have the right to demand compensation from member states for their violations of EU law. Although there are many well-founded violations in the EU environmental law, the *Franchwich* principle is rarely applied in practice.^[6] EU law has traditionally linked rights and interests at the individual level rather than at the collective level. The EU's environmental law emphasizes the importance of environmental protection. However, in the actual application of law, the pursuit of environmental public welfare sometimes contradicts the protection of private rights and interests. The same is true in China. For example, in real right disputes and contract disputes, when applying the green principle, courts may pay too much attention to environmental public welfare and ignore the protection of private rights and interests. The implementation of the green principle does not always achieve the harmonious coexistence between environmental public welfare and private rights and interests.

5. Future Development of the concept of sustainable development in China and the EU

5.1 Institutional Arrangements for Legal Implementation

When discussing the future development of the green principles of China and the EU, the institutional arrangement of its legal implementation has become a key issue. Taking the second round of infringement procedures in the environmental field and the European Commission's ruling on the CJEU case in Bulgaria as an example, although the ruling seems simple, it raises important issues about the operation of infringement procedures and the implementation of EU air quality legislation, including procedural

requirements, scientific complexity and the effectiveness of fines. From the perspective of rights protection, Chinese Civil Code provides a framework for the protection of civil rights in tort liability, but this framework mainly provides relief measures for the protection of the ecological environment by the green principle, and the laws and regulations on resource protection should rely on a more traditional institutional system.

In this regard, the EU environmental law provides a valuable reference for China, but it has not yet provided specific benchmark standards and discretionary space for China's legal system. In order to improve the enforceability of the green principle, it is urgent to clarify its safeguard mechanism, which includes both disciplinary measures and incentive measures. For example, Article 294 of Chinese Civil Code clearly stipulates that property rights holders may not dispose of solid waste or discharge air and water pollutants without permission in violation of relevant state regulations; in violation of this provision, in accordance with the provisions of Article 1229 of Chinese Civil Code, it constitutes an infringement and shall bear the corresponding liability for compensation. In addition, the recovery obligation stipulated in Article 625 of Chinese Civil Code contract is based on laws, administrative regulations or parties' agreements. In terms of ecological protection compensation system, relevant laws and regulations also show positive legislative orientation: establishing compensation mechanism by promoting cross-regional consultation (Article 14), encouraging social participation through market-oriented ecological compensation mechanism (Articles 21 and 24), and supporting the integration of ecological protection and industrial development (Article 23).

5.2 Balancing Public and Private Interests under the Green Principle

The core of the conflict between public interest and private interest lies in the tension between the "green principle" and the principle of traditional civil law. As an exogenous principle, the green principle aims to safeguard the public interest in the field of the environment; however, its implementation often requires restrictions on private law rights, which fundamentally challenges the autonomy of private law. Therefore, how to balance environmental public interests and private law rights within a reasonable range has become a major problem in the application of law. In the face of the tension between the green principle and the principle of traditional civil law, it is urgent to resolve the value conflict between public interests and private interests, as well as the resulting systemic contradictions. These differences are rooted in different value orientations and legal objectives, reflecting that the core object of the law has expanded from pure civil subjects to a wider range of stakeholders - including the protection of the environmental public interest. In the field of environmental tort liability, it is obviously inappropriate to regard ecological damage as a specific type only. It involves compensation for damages under private law; therefore, the punitive connotation contained in compensation cannot be ignored.

As a common value pursuit, the practice of green principles not only provides a legal basis for environmental protection, but also clears obstacles to the rational protection of private interests. As important participants in global trade and investment, both China and the European Union have established unique legal and policy frameworks to build a responsible and sustainable supply chain. The "High-level Protection Principles" and "Prevention Principles" in the EU environmental law provide important references for China; the practical application of these principles also reflects the complexity faced in balancing the public and private interests of the environment. Based on this, future legislation and policies should focus on building a set of legal mechanisms that can effectively protect the environment and reasonably protect private interests. Whether it is the recognition of legal interests in environmental infringement or the correct application of private law norms, the ecological and environmental infringement liability system has opened up a feasible path for protecting public interests through civil law at the legislative and practical levels, thus laying a more solid legal foundation for the construction of ecological civilization. Good environmental protection.

6. Conclusion

Through an in-depth exploration of the concept of sustainable development in both the Chinese and EU legal systems, it is evident that wherever environmental protection and sustainable development are involved, there is space for the application of the green principle. In order for the green principle to continue to exert its vitality, it must be applied more objectively and precisely through specific legal norms and judicial practices.

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