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Reflections on Sustainability and SDGs in the Primary Law of the European Union²

The concept of sustainability is expressly or indirectly embedded in the primary law of the European Union, as analysed in the Treaty on European Union, the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights. The novel contribution of this research is that it illustrates how these documents have, in many cases, been conceived as aligning with the United Nations' Sustainable Development Goals (SDGs), thereby situating the EU's constitutional framework as an SDG-compliant normative framework. Whereas ideas of sustainability have typically been construed as limited to environmental protection, this research employs a broader conceptualisation, manifesting it comprehensively across environmental, economic, social and financial dimensions, including fiscal sustainability, macroeconomic stability and resource governance. Through an analysis of key CJEU case law, it demonstrates how judicial interpretation through adjudication operationalises the sustainability objectives enshrined in treaties and exposes the tensions between the freedom of the market and environmental or societal aims. The analysis demonstrates that sustainability has moved from a stated and aspirational principle to a structuring feature of EU integration, but there continues to be an ambition that grounds limitations. The EU's sustainability concept requires a climate-specific treaty provision, a horizontal sustainability compliance mechanism, and the elevation of environmental and intergenerational protection to fully justiciable rights.

Keywords: sustainability, sustainable development goals, EU law, European Union, public finance, environment

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² This study was conducted within the framework of Project No. OTKA 135 979 (Sustainability and Law), supported by the Ministry of Culture and Innovation through the National Research Development and Innovation Fund, under the OTKA (NKFI-1) funding scheme.

Introduction

The concept of sustainability in European Union law encompasses environmental, economic and social objectives that are incorporated into the EU law framework. The notion of sustainability can be framed in two aspects, first with primary law comprised of founding treaties that create the commitment to sustainable development at the Union level, which then comprises secondary law including directives, regulations and decisions that set out the specific policies and legally binding obligations to implement these sustainability goals also with the consideration of the case law of the European Court of Justice. By examining these elements in further detail, this analysis will demonstrate how the EU has tailored its legal instruments to incorporate sustainability goals.

The widely cited *Brundtland Report: Our Common Future* (1987) – named after Gro Harlem Brundtland – defined sustainable development as a “development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains within it two key concepts: (i) the concept of ‘needs’, in particular the essential needs of the world’s poor, to which overriding priority should be given; and (ii) the idea of limitations imposed by the state of technology and social organisation on the environment’s ability to meet present and future needs”.³ Although it has become one of the most frequently used concepts – alongside eco, green, bio and smart – its meaning and applicability are often interpreted and used differently in different contexts.

In 2013, the United Nations agreed to set up a thirty-member open working group to develop sustainable development goals. The open working group produced the *2030 Agenda for Sustainable Development*, which all UN member states adopted at the 2015 meeting, as a common and joint vision on how to ensure peace, prosperity and to preserve the planet; it articulated 17 sustainable development goals.⁴

Table 1: The UN's 17 Sustainable Development Goals

Social equity and development	Goal 4 Quality education Goal 5 Gender equality Goal 10 Reduced inequalities	Goal 11 Sustainable cities and communities Goal 16 Peace justice and strong institutions Goal 17 Partnership for the goals
Economic life and technological development	Goal 1 No Poverty Goal 2 Zero hunger Goal 3 Good health and well-being	Goal 8 Decent work and economic growth Goal 9 Industry, innovation and infrastructure
Environmental resources and global challenges	Goal 6 Clean water and sanitation Goal 7 Affordable and clean energy Goal 12 Responsible consumption and production Goal 14 Life below water	Goal 13 Climate actions Goal 15 Life on land

Source: compiled by the author based on KANG–KIM 2022

³ Brundtland Report 1987.

⁴ STOLL 2022.



From a legal-theoretical viewpoint, the Treaty on European Union (TEU) and Treaty on the Functioning of the European Union (TFEU) constitute the constitutional basis for the European Union. They are the primary law that has status and effect similar to a constitution in a federation. In contrast, the Charter of Fundamental Rights (CFR) is also a binding primary law, with the same rank as the Treaties, but acts more normatively as a rights-based overlay within the EU across its jurisdiction, rather than as a structural or operational provision alongside the TEU and TFEU.⁵ Clearly, the TEU provides the ideational basis for sustainability; the TFEU provides the legal and operational mechanisms; and the Charter establishes sustainability as a principle within the EU's fundamental rights framework.⁶ Together, they can be understood as a model of constitutional sustainability, with three primary components.

Table 2: Comparison of the TEU, TFEU and CFR in the relation of Sustainability

Dimension	TEU	TFEU	CFR
Legal role	Foundational / Ideational	Functional / Operational	Rights-Based / Normative
Type of sustainability norm	Teleological (goal-based)	Regulatory (policy-based)	Interpretive principle
Primary provisions	Articles 3(3), 3(5)	Articles 11, 191–193	Article 37
Enforcement potential	Limited (framework)	High (legislative competence)	Moderate (soft constitutional)
SDG alignment	Vision-setting	Implementation-enabling	Rights-legitimising
Theoretical lens	Supranational ethics	Governance and legal pluralism	Green constitutionalism

Source: compiled by the author

This evolution can be seen not only in their negotiated, textual commitments, but also in the jurisprudence of the *Court of Justice of the European Union* (CJEU) and the EU's normative arrangements surrounding the United Nations' Sustainable Development Goals (SDGs). Altogether, these instruments and institutions have established sustainability as a structural principle of EU integration, rather than an aspirational policy. The treaty framework has engendered the EU's main policy instruments. The *European Sustainable Development Strategy* (2001, revised 2006) aimed to implement Articles 3 TEU and 11 TFEU across all sectors. The *European Green Deal* (2019), initiated under the von der Leyen Commission, employs these treaty obligations in a unified programme of legislative change, encompassing energy, biodiversity, the circular economy and mobility.⁷ Within this framework, through research and innovations, the EU is interested in 1. increasing the EU's Climate ambition for 2030 and 2050; 2. supplying clean, affordable and secure energy; 3. mobilising industry for a clean and circular economy;⁸ 4. accelerating the shift to sustainable and smart mobility; 5. from Farm to Fork – a fair, healthy

⁵ KELLERBAUER et al. 2024.

⁶ KROMMENDIJK–SANDERINK 2023.

⁷ SZPILKO–EJDYS 2022.

⁸ TURUNEN–ALARANTA 2021.



and environmentally friendly food system; 6. preserving and restoring ecosystems and biodiversity; 7. a zero-pollution ambition for a toxic-free environment; 8. building and renovating in a way that is energy- and resource-efficient.⁹ Furthermore, the European Green Deal and the *Fit for 55 package* are also explicitly framed as mechanisms for the delivery of both treaty obligations and SDGs. These instruments demonstrate how treaty provisions, judicial enforcement and global goals can be mutually supportive strands of the EU's sustainability model.

Treaty on European Union

The Treaty on European Union is programmatic and foundational, articulating the values, identity and objectives of the Union. Sustainability is presented as a core normative commitment in both internal and external dimensions [Articles 3(3) and 3(5)]. It reflects a teleological concept of sustainability, as it is an end goal of integration associated with long-term prosperity, solidarity and environmental stewardship. It embraces a holistic and forward-looking vision of sustainability aligned with intergenerational equity and global responsibility.

TEU, Article 3(3): “The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. [...] It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child. It shall promote economic, social and territorial cohesion, and solidarity among Member States [...]”

This provision places sustainable development at the core of the EU's internal goals. It reiterates the interdependence of economic, social and environmental progress, thus reinforcing sustainability as a tripartite principle. Moreover, it brings in a “high level of environmental protection” as a guiding principle, which embeds environmental quality as a fundamental concern in the functioning of the internal market and all Union policies.¹⁰ The CJEU has been instrumental in enforcing these treaty obligations and clarifying their legal edges. In the *Commission v. Council (C-176/03)* case, the Court held that the EU may require Member States to impose criminal penalties in environmental matters when necessary for environmental protection.¹¹ In *Commission v. Austria (C-28/09)*, the Court considered Austria's environmental justification for restricting transit traffic through the Tyrol region.¹² The Austrian measure was considered disproportionate under EU internal market law, although the court accepted environmental protection as a legitimate objective. This case illustrates the careful judicial balance between economic freedoms and environmental objectives, as required by Article 3(3) of the TEU.

⁹ FETTING 2020.

¹⁰ KRÄMER 2020a.

¹¹ Case C-176/03.

¹² Case C-28/09.



TEU, Article 3(5): “In its relations with the wider world, the Union [...] shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.”

The TEU’s external dimension, Article 3(5) connects the EU’s sustainability ethos to global justice and planetary care in a post-national constitutional ethic. This paragraph extends the EU’s sustainability commitment to the area of its external action, making the EU a global actor for sustainable development, climate leadership and environmental justice.¹³ It creates a normative framework to mainstream sustainability in EU trade policy, international development cooperation and climate diplomacy. In *Air Transport Association of America v. Secretary of State for Energy and Climate Change (C-366/10)*, the Court rejected the AG’s opinion and annulled the GHG Emissions Trading System (ETS) as applied to extra-European aviation.¹⁴ This judgment is one of the most important landmarks, since it reinforced the EU’s authority to regulate environmental impacts with extraterritorial dimensions, underscoring the external sustainability commitment outlined in Article 3(5) of the TEU.

From the practice of the CJEU, the *PreussenElektra (C-379/98)* was a landmark ruling where the Court upheld national support schemes for renewable electricity against internal market complaints.¹⁵ It shows an early recognition of environmental protection as a legitimate overriding reason of public interest. In the *Waddenzee case (C-127/02)*, the Court established the precautionary principle as a key standard for assessing environmental impacts under the Habitats Directive.¹⁶ In the *Lesoochránárske zoskupenie (C-240/09)* the CJEU reaffirmed the Member States to provide effective judicial access and remedies in environmental cases.¹⁷ The *Ålands Vindkraft (C-573/12)* case upheld Sweden’s green certificate scheme limiting access for foreign producers, which clarifies the balance between internal market freedoms and sustainability goals.¹⁸

Based on the concepts above, Article 3 TEU aligns with SDG 8: Decent Work and Economic Growth, SDG 11: Sustainable Cities and Communities, SDG 12: Responsible Consumption and Production, SDG 13: Climate Action, SDG 17: Partnerships for the Goals, SDG 16: Peace, Justice and Strong Institutions.

The described legal frameworks envision long-term, sustainable development, particularly as outlined in Article 3(3), which requires the Union to pursue strong environmental protection alongside social advancement in relation to the internal market. Additionally, Article 3(5) extends this normative obligation to the Union’s external action, stating that the Union must aid global sustainable development, environmental protection and the eradication of poverty. There is no denying of the symbolic importance of these provisions, as sustainability now sits at the constitutional heart of the European

¹³ KRÄMER 2020b.

¹⁴ Case C-366/10.

¹⁵ Case C-379/98.

¹⁶ Case C-127/02; KOKOTT-SOBOTTA 2019.

¹⁷ Case C-240/09.

¹⁸ Case C-573/12.



project. However, their legal impact is limited by the nature of their aspirational governance. They lack concrete obligations that are legally binding or justiciable, rendering them largely ineffectual in litigation or legislative review. The loose terminology, “shall work for”, provides minimal enforcement capabilities that rely heavily on the collective will from the Member States and institutions. In addition, while a commitment to global sustainability is made in Article 3(5), the EU tends to impose lower environmental protection standards in its external trade, agriculture and investment policies than those it upholds internally, exposing a normative gap between treaty-based ambition and geopolitical practice. Unlike some federal constitutions (e.g. Germany or the U.S.), the TEU does not establish an enforceable institutional or procedural infrastructure for evaluating sustainability across EU law.

Treaty on the Functioning of the European Union

The Treaty on the Functioning of the European Union is both functional and legislative, specifying the competences, procedures and legal bases for action; it provides a legal instrument for sustainability while defining and describing the mechanism for implementation (particularly Articles 11, 191–193). It advances a regulatory notion as procedural and substantive obligations. It incorporates sustainability into legal policymaking and legislative practice through the use of the horizontal integration clause (Article 11), particularly through the application of the precautionary principle (Article 191).

Article 11: “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.”

This horizontal integration clause is a cornerstone of EU sustainability law. It imposes an obligation to mainstream environmental considerations across all EU policy areas, including agriculture, energy, transport and competition. The case law of the CJEU (e.g. *Commission v. Germany*, C-301/95) has interpreted Article 11 (and its predecessors) as requiring that environmental concerns be balanced and weighed alongside other objectives in policy design and implementation.¹⁹ It highlighted the duty to integrate environmental considerations into state aid assessments. In the scope of marine pollution and internal market, the *Peralta case* (C-379/92) upheld the restrictions on ship engines in light of environmental protection.²⁰ Article 11 TFEU mirrors the cross-cutting logic of SDG 13 (Climate Action) and SDG 9 (Industry, Innovation and Infrastructure).

Despite the horizontal integration clause, environmental objectives are frequently subordinated to the imperatives of economic growth and market integration. The internal market logic often prevails over environmental considerations, as evident in the CJEU’s proportionality analysis. Environmental goals are treated as balancing factors, not foundational constraints. The application of proportionality, especially in internal market cases, frequently tilts in favour of economic freedoms, reducing the transformative potential of Article 11.

¹⁹ Case C-301/95.

²⁰ Case C-379/92.



Article 119, however, already includes an additional *economic dimension*. Such activities by the Member States and the Union are subject to the following guiding principles: 1. stable prices; 2. sound public finances and monetary conditions; and 3. a sustainable balance of payments. For the accession to the euro zone these are known as the Maastricht criteria.

Table 3: Maastricht convergence criteria

Price stability	Harmonised Index of Consumer Prices (HICP)	Inflation rate cannot exceed the average of the inflation rates of the three Member States with the lowest indicators by more than 1.5% in a one-year reference period
Public finance discipline	Government deficit and debt	Annual budget deficit cannot exceed 3% of GDP
		Gross public debt cannot exceed 60% of GDP (or in the case of a debt ratio above 60%, a continuous and significant reduction in the debt ratio must be shown)
Not under excessive deficit procedure at the time of examination		
Exchange rate stability	Exchange rate developments in ERM II	Exchange rate of the national currency of the member state cannot exceed the $\pm 15\%$ fluctuation band for 2 years
Interest rate convergence	Long-term interest rate	Interest rate of long-term loans in the one-year reference period can be no more than 2% more than the average interest rate of the state loans of the three member states with the lowest inflation indicators (This value is currently 6%)

Source: VÉRTESY 2024: 301

Article 126 states that Member States avoid excessive government deficits maintaining a public finance discipline. The reference values are specified in *Protocol (No. 12) on the Excessive Deficit Procedure* annexed to the Treaties: 1. 3% for the ratio of the planned or actual government deficit to GDP at market prices; and 2. 60% for the ratio of government debt to GDP at market prices.²¹ Later, Article 140 refers to the sustainability of public finances.²²

Protocol (No. 13) on the Convergence Criteria states that the price stability criterion means that a Member State has achieved sustainable price stability and an inflation rate based on the harmonised index of consumer prices (HICP) that is no more than 1½ percentage points above the average inflation rate of the three best-performing Member States in terms of price stability over a period of one year preceding the examination.²³ The exchange rate of the national currency – within the European Exchange Rate Mechanism (ERM) – cannot exceed the $\pm 15\%$ fluctuation band for 2 years. In practice, this also means that the given country must enter the European Exchange Rate Mechanism (ERM). Finally, the Member State has had an average nominal long-term interest rate that does not exceed by more than two percentage points that of, at most, the three best performing Member States.

²¹ BRADY–MAGAZZINO 2018.

²² ZETZSCHE – ANKER-SØRENSEN 2022; AHLSTRÖM–MONCIARDINI 2022.

²³ BALLABRIGA – MARTINEZ-MONGAY 2005; ONOFREI et al. 2020.



The TFEU (in Title XX – Environment) establishes the legal frameworks for harmonisation and subsidiarity in environmental policy (Articles 191–193), while still prioritising diversity in national ecological standards within an otherwise EU-wide coherence.

Article 191. 1: “Union policy on the environment shall contribute to pursuit of the following objectives: preserving, protecting and improving the quality of the environment; protecting human health; prudent and rational utilisation of natural resources; promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change.”

2. “Union policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Union. [...]”

3. “In preparing its policy on the environment, the Union shall take account of: available scientific and technical data; environmental conditions in the various regions of the Union; the potential benefits and costs of action or lack of action; the economic and social development of the Union as a whole and the balanced development of its regions. [...]”

This article describes the main objectives of EU environmental policy that include: 1. preservation, protection and improvement of environmental quality; 2. protection of human health; 3. prudent and rational use of natural resources; 4. promoting measures to combat climate change at an international level. Article 191 also incorporates the precautionary, prevention, rectification-at-source, and “polluter pays” principles, which provide legal backing for a series of EU environmental legislation. It describes that environmental policy will, at a minimum, be based on high levels of protection, while acknowledging regional diversity and enhancing international cooperation – legitimising (potentially) the EU’s role in global climate and sustainability governance (e.g. the Paris Agreement, SDGs). The *Commune de Mesquer case (C-188/07)* contains the polluter pays principle, the Court held that polluters are financially liable under EU waste legislation.²⁴ In *Janecek v. Freistaat Bayern (C-237/07)*, the ECJ held that individuals have standing to demand action when air quality standards are violated, thereby giving effect to the objectives outlined in Article 191 TFEU.²⁵ This article supports SDG 3 (Good Health and Well-being) and SDG 15 (Life on Land), particularly through pollution prevention and the protection of ecosystems.

Article 192. 1: “The European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions, shall decide what action is to be taken by the Union in order to achieve the objectives referred to in Article 191. [...]”

Article 193: “The protective measures adopted pursuant to Article 192 shall not prevent any Member State from maintaining or introducing more stringent protective measures. Such measures must be compatible with the Treaties. They shall be notified to the Commission.”

²⁴ Case C-188/07.

²⁵ Case C-237/07.



Article 192 provides the EU with a legal basis to adopt legislation in environmental matters through the ordinary legislative procedure, as well as special procedures for taxation, planning, land use and energy. Article 193 provides a Member State with the ability to take measures which are stricter in nature than the EU minimum harmonisation rules in environmental law. Decisions on Package Waste were made in *Commission v. Germany (C-141/02)*, where Germany adopted regulations on packaging waste. The Court allowed Member States, subject to EU principles of proportionality and non-discrimination, to have stricter regulations. The environmental competences outlined in Articles 191–193 are fragmented and sectoral, lacking a systemic legal framework that could potentially streamline climate, biodiversity, energy and social justice under the concept of sustainability. The absence of a climate article in the TFEU at a time of existential climate crisis reflects this limitation. Compared to constitutional innovations in national systems, e.g. Germany’s Article 20a or the 2022 constitutional amendment in Italy, the TFEU appears doctrinally conservative and slow to respond.

Amendments should be made to the TFEU to include a specific article on climate, establishing climate neutrality and resilience as constitutional principles. Third, the EU should introduce a Sustainability Compliance Mechanism to guarantee the full realisation of Article 11 in all policy areas. Fourth, establishing an intergenerational stewardship body, such as a European Commissioner or Ombudsperson for Future Generations, could ensure continuity of systematic guardianship over long-term sustainability objectives.

Charter of Fundamental Rights

The Charter of Fundamental Rights operates on the same legal level as Treaties, but it offers a rights-based lens. Sustainability is recognised not as a subjective right, but a constitutional principle. It is a principle that guides the interpretation of policies and legislation with a sustainability focus. The Charter treats sustainability as a normative principle, rather than as a subjectively defined right.²⁶

Preamble: The Union [...] seeks to promote balanced and sustainable development and ensures free movement of persons, services, goods and capital, and the freedom of establishment.

Article 37 – Environmental protection: “A high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development.”

While Article 37 does not create enforceable rights, it provides a constitutional principle – a way to “green” rights and reconcile human dignity with ecological integrity. The Charter connects sustainability with individual rights and access to justice. While Article 37 is not directly justiciable in the same way as legal rights, it serves as a guiding principle when courts must balance competing rights of an individual, such

²⁶ PEERS et al. 2021.



as environmental and economic rights.²⁷ For example, in *TestBioTech (T-177/13)*,²⁸ the General Court stated that Article 37 provides a constitutional dimension to research sustainability, even though express reliance upon the Article was not grounds for invalidation; instead, it was to help interpret a binding right or legislation. In this respect, Article 37 serves as a constitutional interpretive principle and is utilised in reviewing regulatory acts and policy decisions, particularly in environmental matters, thereby establishing environmental protection as a constitutional interpretive principle.

In affirming the constitutionalisation of EU rights, the Charter does little for sustainability. For example, Article 37 of the Charter states that a high level of environmental protection and improving environmental quality must be integrated into Union policies. However, this provision remains classified as a principle and not a right, which limits its legal status.²⁹ Principles under the Charter do not confer subjective rights and cannot be relied upon in legal proceedings unless legislative acts give them effect. Citizens and civil society actors are not entitled to use the Charter to yield meaningful environmental results or challenge climate inaction. This significantly undermines its role in environmental litigation, juxtaposed to instances of regulatory inaction.

Furthermore, Article 37 is conceptually ambiguous, referring only to “a high level of protection”, and offers no criteria or indicators or thresholds to assess its level of compliance. It lacks content and remains vague as a yardstick for guiding legislative interpretation, retaining a strictly anthropocentric conception of environmental protection and missing a valuable opportunity to meaningfully engage with evolving paradigms, such as ecocentrism or the rights of nature. In contrast, recent jurisprudential developments in countries such as Ecuador and Colombia, as well as within domestic courts in the Global North, are far more progressive. The Charter appears cautious and established in its position vis-à-vis the environment. Article 37 of the Charter should be upgraded from a principle to a justiciable fundamental right, and where possible substantive and procedural standards grounded on environmental law should be incorporated and integrated.

In the *Associazione Italia Nostra Onlus (C-444/15)*, the CJEU interpreted access-to-justice rights in environmental matters broadly demonstrating how CFR principles guide interpretation.³⁰ In the *Commission v. Stichting Greenpeace (C-673/13 P)*, the Court reaffirmed limited standing underscoring the weakness of Article 37 as a non-justiciable principle. This decision is a perfect critical argument about CFR limitations.³¹

Lorubbio, Carducci, Bagni et al. propose the development of an EU Charter of the Fundamental Rights of Nature, which would create a legal framework for nature as a subject with rights, rather than being an object that can be protected solely for human benefit.³² While European Union environmental law is improving, it continues to treat nature as a legal object to be protected for human and other relative uses. The authors draw on several developments in the constitutions of Latin American states, as well as

²⁷ QUIRICO 2021.

²⁸ Case T-177/13.

²⁹ SCOTFORD 2020.

³⁰ Case C-444/15.

³¹ C-673/13 P.

³² LORUBBIO et al. 2020.



recent global case law, and propose recognising nature as a legal subject with inherent rights, including the right to exist, the right to regenerate and the right to develop. The proposed policy would articulate the recognition of nature’s rights in an EU Charter on the Fundamental Rights of Nature, in conjunction with the existing EU Charter of Fundamental Rights. The proposed EU Charter of Fundamental Rights would signify statutory obligations for public delegations and individual citizens, requiring them to protect and restore ecological subsystems. The charter would also invoke frameworks such as intergenerational equity and the precautionary principle. The enforcement provisions are envisioned in the Charter and include principles and substantive rights, such as violations against rights themselves, and further encompass not only rights but also the parties responsible for upholding them.

Table 4: Summary of TEU, TFEU and CFR vs. SDGs content summary

Treaty Article	Key focus and content summary	UN’s SDGs
TEU Article 3(3)	Mandates sustainable development, environmental protection, social progress within internal market	SDG 8: Decent Work and Economic Growth SDG 11 Sustainable Cities and Communities SDG 12 Responsible Consumption and Production
TEU Article 3(5)	EU external actions contribute to global sustainable development, including poverty eradication and environmental protection	SDG 13 Climate Action SDG 17 Partnerships for the Goals SDG 16 Peace, Justice and Strong Institutions
TFEU Article 11	Environmental protection horizontally integrated across all EU policies to promote sustainability and environmental protection	SDG 7 Affordable and Clean Energy SDG 9 Industry, Innovation and Infrastructure SDG 12 Responsible Consumption and Production
TFEU Article 119–144	Sustainable economy, public finances, foundations of the Maastricht criteria	N.A.
TFEU Article 191	Sets objectives: environmental protection, public health, natural resource management, climate change mitigation and ‘polluter pays’ principles	SDG 3 Good Health and Well-being SDG 6 Clean Water and Sanitation SDG 15 Life on Land
TFEU Article 192	Allows EU to legislate on environment using ordinary legislative procedure, with exceptions needing unanimous Council agreement	SDG 10 Reduced Inequalities (through regulatory flexibility) SDG 13 Climate Action
TFEU Article 193	Member States may maintain or introduce more stringent protective measures, compatible with the Treaties	SDG 14 Life Below Water (reduction of plastics)
CFR Article 37	Environmental protection and quality improvement integrated into Union policies in line with sustainable development	SDG 1–2 Poverty and Hunger (via environmental justice) SDG 5 Gender Equality (through inclusive environmental policy) SDG 16 Institutional Justice and Access to Rights

Source: compiled by the author



Conclusion

This analysis confirms that sustainability is embedded in the EU's primary law through a multilayered “constitutional” structure formed by the TEU, the TFEU and the Charter of Fundamental Rights. The TEU, especially Article 3 articulates sustainability as a teleological and value-based objective of European integration, while the TFEU operationalises it through concrete regulatory competences – most notably the horizontal integration clause of Article 11 and the environmental principles of Articles 191–193 with the sustainable finances in Articles 119–144. The Charter introduces a normative dimension through its rights-based approach, although Article 37 of the Charter is still a non-justiciable principle with limited legal force. The jurisprudence and the precedents of the CJEU illustrate both the potential and the constraints of judicially enforcing sustainability within the internal market and fundamental rights framework.

A key contribution of this analysis is showing that, although not drafted for this purpose, the EU's primary law exhibits substantial structural alignment with the United Nations Sustainable Development Goals across environmental, social, economic, furthermore financial domains. At the same time, the current architecture remains fragmented; sustainability provisions: 1. in the TEU meet with SDGs 8, 11–13, 16–17 but lack enforceability; 2. environmental integration under the TFEU is in harmony with SDGs 3, 6–7, 9–10, 12–15 but is often subordinated to market freedoms; and the Charter's environmental clause provides interpretive guidance (SDGs 1–2, 5, 16) but no actionable rights.

To address these deficiencies and consolidate sustainability as a constitutional norm, the Union would benefit from 1. the incorporation of an explicit climate clause in the TFEU; 2. the establishment of a horizontal sustainability compliance mechanism applicable to all Union action; and 3. the elevation of environmental and intergenerational protection to fully justiciable status. Without these reforms, sustainability will remain a guiding principle rather than a binding constitutional requirement within the EU legal order. Unfortunately, in most cases, the effectiveness depends on the further development of binding norms, institutional mechanisms and judicial standards capable of ensuring its full realisation across EU governance. An enhanced rights-based framework can be capable for supporting intra- and intergenerational and ecological protection. Strengthening the fundamental provisions would not only foster coherence but also the Union to respond more effectively to the ecological, economic, social and financial challenges of the coming decades. In this sense, aligning EU primary law with global sustainability aims is not just desirable but is necessary for the future of Europe.

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