

Michał Biliński

Jagiellonian University, Poland
michal.bilinski@uj.edu.pl
ORCID: 0000-0002-4660-8850

Magdalena Jaś-Nowopolska

Justus Liebig University Giessen, Germany
Magdalena.Jas-Nowopolska@recht.uni-giessen.de
ORCID: 0000-0002-0278-8335

The International Scholarly Debate “Economy, Finance and Sustainable Development”, Gdańsk, June 19, 2023 (Report)

On June 19, 2023, an international scholarly debate was held at the Faculty of Law and Administration of the University of Gdańsk. It was devoted to the topic of the importance of the sustainable development principle in the areas of public finance and economic activity.

The debate was attended by representatives of leading research centers from Poland and Germany, among which the following should be mentioned: the University of Gdańsk, the University of Giessen, the University of Adam Mickiewicz in Poznań, the Jagiellonian University in Kraków, the University of Silesia in Katowice, and the University of Warsaw.

It should also be noted that the debate was one of the scholarly activities conducted as part of an international research grant from the Polish-German Foundation for Science, of which the University of Gdańsk is the leader. The chairman of the organizing committee of the debate was Dr. Hanna Wolska. Additionally, the debate was also attended by project managers from partner institutions, i.e., Dr. Magdalena Jaś-Nowopolska (University of Giessen), Dr. Anna Trela (Adam Mickiewicz University in Poznań), Dr. hab. Michał Biliński (Jagiellonian University in Kraków), Dr. hab. Ewa Przeszło, Professor of the University of Silesia and Dr. Agnieszka Piwowarczyk (University of Silesia in Katowice), Dr. Aleksander Jakubowski (University of Warsaw), and Dr. Joanna Ablewicz (C.H. Beck Publishing House).

The conference began with an official welcome of the participants by the dean of the Faculty of Law and Administration of the University of Gdańsk, Dr. hab. Wojciech Zalewski, Professor of the University of Gdańsk, and the project manager from the University of Gdańsk, Dr. Hanna Wolska.

Two introductory lectures were given in the first part of the debate.

Professor Thilo Marauhn presented a short historical introduction to the concept of sustainable development and also referred to its meaning and the areas in which it was rooted. In the main part of the lecture, it was pointed out that previous attempts to synchronize the spheres of economy and environmental protection have not been fully successful. In this state of affairs, Professor Marauhn proposed three alternative models that could enable the more effective use of sustainability values. As part of the

considerations presented, they referred to the concepts of hierarchization, collision, and harmonization.

In the second lecture, Professor Dr. hab. Andrzej Powałowski (who credited Dr. hab. Przeszło, Professor of the University of Gdańsk, as co-author of the presentation) referred in particular to the importance that should be attached to the principle of the social market economy to explain the essence of sustainable development. According to Professor Powałowski, sustainable development is associated with the need to ensure a balance between the interests of entrepreneurs and the interests of other social groups. The assumptions of sustainable development should, in consequence, lead to the coexistence of a market economy and the social aspect, as well as balancing the interests of entrepreneurs on the one hand and the interests of other social groups on the other.

Immediately after the presentation of the introductory lectures, the first debate panel was held. It was devoted to three key issues related to the inclusion of the principle of sustainable development in the area of economic activity. Each substantive part of the panel was presented from two perspectives related to the Polish and German legal orders.

Professor Bettina Schöndorf-Haubold and Dr. Trela referred to the issue of clean energy.

Professor Schöndorf-Haubold concentrated on the situation of renewable energy sources in the Federal Republic of Germany. She described the current legal status and the climate goals that must be achieved. In her speech, she also referred to the decision of the German Federal Constitutional Court (*Bundesverfassungsgericht*) of March 2021, as a result of which changes were made to the Federal Climate Protection Act (*Bundes-Klimaschutzgesetz*) by adjusting reduction targets that should lead to climate neutrality.

Dr. Trela said that clean energy should be understood in a programmatic (systemic) way and should not be limited to energy generation sources only. Clean energy is a program that should include the decarbonization of the EU energy system, inter alia, through prioritized energy efficiency and the development of the renewable energy sector. She also added that the implementation of the clean and accessible energy target is set out in Article 194 of the Treaty on the Functioning of the European Union.

Professor Elena Dubovitskaya, Dr. Wolska and Dr. Ablewicz drew attention to the very current problem of including sustainable development in corporate law.

Professor Dubovitskaya emphasized the role that sustainable development standards should play in modern society in the sphere of corporate governance. She also referred to the issue of virtual communication and the differences that can be seen in the implementation of sustainable development goals in relation to public and private companies.

Dr. Wolska noted that in Polish corporate law, the normative value of the postulate of sustainable economic development should be perceived in two dimensions, i.e. at the level of the good practice clause, which requires making appropriate assessments in the light of non-legal norms, and at the level of generally applicable provisions.

Dr. Ablewicz drew attention to the activities undertaken by banking enterprises in the area of sustainable development and presented a number of initiatives and methods by which banks contribute to and implement the postulates of sustainable development.

At the end of the panel, Eva-Maria Thierjung and Dr. Jakubowski commented on the subject of including sustainable development in spatial planning.

Ms. Thierjung, answering the question regarding the inclusion of sustainable development in planning law and emphasized the close connection between the structure of the German Republic as a federal state and degrees of spatial planning. Starting from this point, she showed that in German planning law the principle of sustainable development is taken into account at every level of planning from the federal through to the state and municipal levels, and it is often based on laws that reflect the hierarchical structure of planning levels.

Dr. Jakubowski also pointed out that in order to ensure sustainable development, spatial planning instruments should be placed at every level of public authorities, i.e., national, regional/land, local (municipal) and even in auxiliary units. At the same time, however, he emphasized that the commune should be the primary place for spatial planning.

The panel ended with a discussion.

After a break, the debate was joined by speakers who presented their comments on the role of the principle of sustainable development in the financial sector.

Dr. Carsten Schirrmacher emphasized that in the financial sector, economic activity is usually supported by private investors in the context of corporate investments. In order to initiate and support necessary sustainable transformation of production, the German legislator tries to, inter alia, encourage investors to provide their funds to companies operating in a sustainable way. Whereas a consistent regulatory approach, which is to support this aim, must combine different, sometimes opposing interests.

Dr. Damian Cyman drew attention to a number of regulations and standards introduced in Poland that are aimed at promoting sustainable development in the financial sector. One of the key documents was the Action Plan for Sustainable Finance, which assumes the introduction of environmental, social, and risk management criteria to the investment process. In his presentation, he also referred to the solutions of the Regulation of 27 November 2019, 2019/2088 and to the regulations on the protection of consumer rights.

Dr. hab. Biliński presented the controversies surrounding the principles of financing and the scale of economic activity of national parks. In particular, attention was drawn here to the danger of commercializing these institutions, which, according to the Nature Conservation Act, should primarily pursue objectives of a non-commercial nature while protecting the ecological balance in their areas.

Dr. Jaś-Nowopolska pointed out that sustainable development has gained importance in German public procurement law. In Article 97 sec. 3 of the Act against Unfair Competition (GWB), the legislator provided qualitative and innovative aspects, as well as social and environmental aspects that are considered when awarding contracts.

These criteria may be taken into account at different stages of the procurement procedure. Attention was also drawn to the examples of specific provisions requiring the inclusion of sustainable development aspects in public procurement.

Dr. Piwowarczyk, in turn, referred to the issue of public procurement law and the role that sustainable development should play in procurement procedures. She indicated, *inter alia*, that the functions of these procedures include not only meeting the needs of contracting parties for supplies, services, and construction works but also the implementation of goals of social or economic importance. The socio-economic functions of procurement are implemented, in particular, by means of sustainable public procurement, which consist of making purchases and buying products and services, taking into account the social and economic effects of purchasing decisions.

After the presentation of comments by all the participants of the debate, a discussion was held.

The debate ended with presentation from the Directors of Sustainable Development Centers located at the University of Gdańsk and the University of Giessen. Dr. Alexandra Jungert and Dr. Krzysztof Szczepaniak presented the main goals, areas of activity, and challenges facing their units in the coming years.

Special mention should be made of the lecture by Professor Dorota Pyć, Director of the Maritime Economy Research Center at the University of Gdańsk. Comments presented by Professor Pyć about the activities of the Center, scientific initiatives it has undertaken, and the role of sustainable development in science and education significantly enriched the substantive scope of the debate.

The debate was moderated by Dr. Wolska and Dr. hab. Biliński.

The conference ended with a short summary presented by Dr. Wolska, in which, apart from referring to the most important theses, all participants (over 60 people participated in the debate) were invited to continue the discussion on a specially created internet platform. The launch of this platform is the second (after the debate held on June 19, 2023) of the activities of this funded scientific project. The third activity, summarizing the work undertaken by the research team will be a monograph published by C.H. Beck Publishing House.