CONCLUSIONS

National and international public law: The establishment of conditions for a sustainable development

The potential of AI to be unleashed for sustainable development is hindered by a fragmented approach to sustainability frameworks and standards, uneven State development and priorities, and a lack of global rules surrounding sustainability and AI. The goals outlined in the UN 2030 Agenda are at risk of not being significantly impacted by global efforts toward sustainability. In this regard, the EU may lead the world in sustainability by bringing European compliance and AI standards to a global scale. It is necessary to elaborate on AI standards in order to better protect people and define the roles of AI users and providers. However, in terms of maintaining a balance between the protection of fundamental human rights, these criteria in the EU are best-in-class. Different AI system standards could result in a global division between safe and hazardous technologies. By participating in sustainability and related activities as compliance stakeholders, large firms, which are targets in the key regulatory programs of the EU, may help to reduce this risk.

National constitutions, along with the corresponding constitutional justice institutions, could be seen as strong defenders of sustainability, which is a constitutional value. These institutions have the important mission of implementing constitutional justice and defending constitutional values. In tandem with the idea of sustainable development, sustainability refers to both short- and long-term national goals for environmental protection and highlights the importance of maintaining a suitable balance between them. Constitutional sustainability can be seen as being intimately tied to a person's right to a clean environment, as well as being expressed in many economic or social constitutional characteristics. Finally, the need for constitutional stability and endurance is clear. These elements could be viewed as minimal foundations (or standards) for the concept of sustainability, but not as a complete conceptual framework. The concept of sustainability is most prominently expressed in the official constitutional doctrine of the Constitutional Court of the Republic of Lithuania when interpreting various constitutional norms and principles, such as the State's responsibility to protect the environment and, in particular, a person's right to a healthy and clean environment. This idea can be identified in the understanding of the Constitution as a social contract, intended for current and future generations. In order to ensure constitutional stability and endur-

ance, the Constitutional Court, like other European institutions of constitutional justice, has a responsibility to fairly balance all constitutional values, including those that are particularly protected by their non-amendability under the Constitution.

Regarding the efficiency of green public procurement regulation in Lithuania as an element of achieving the objectives of sustainable development, contracting authorities are prohibited from designating as a green public procurement a public procurement process where the successful supplier has offered goods, services, or works that fully satisfy the criteria for such a procurement. For a public procurement process to qualify as a green public procurement, a minimal set of environmental requirements must be met. These requirements are exact and extremely well-formulated. This means that suppliers have to meticulously carry out the requirement to present a significant amount of supplementary documentation, confirming that their products or services comply with these basic environmental requirements during the execution of a green public procurement. The fulfillment of this obligation will undoubtedly result in more irregular tender offers. However, the procedures outlined in the Law on Public Procurement and the Supreme Court of Lithuania that govern the rectification of erroneous tenders now permit more significant revisions of the tender offer, in addition to the remedy of straightforward technical errors. Because of this, even though the extremely specific nature of the minimum environmental requirements will significantly limit the efficiency of green public procurement, errors frequently presented in the tender offer may be corrected, provided that such grounds for rejecting tenders are established in the procurement conditions.

On the issue of sustainable development and international investment law, the conclusion is formed that international investment law is one of the most dynamic international regimes, despite the fact that it is a relatively new field of study. Early investment agreements had a linear, one-dimensional structure, and their only objective was to advance and defend private economic interests at the expense of the state. Generally, changing foreign investment governance is not a radical task. There is no contradiction between the notion of ensuring investment protection and taking sustainability into account. The integration of sustainable development into international investment law remains insufficient since many of the rules relating to sustainable development can still be found in model investment agreements. As a result, the latest investment agreements continue to have a limited impact on the accomplishment of sustainable development goals. To align with national policies that support sustainable development, international investment law must continue to grow.

The growth of sustainability has a significant impact on personal data. In order to monitor and achieve the SDGs, processing massive volumes of data has been suggested as a potential solution to societal problems. Data are seen as a resource for social growth and improvement as well as a way to enhance societal well-being. In light of this, the question arises as to whether the ideals of sustainability, for which data and data analysis technologies are used, and the rights of individuals to their privacy and the protection of their personal information are compatible. Legal analysis demonstrates that there are legal standards connected to personal data processing that must be followed when processing personal data in order to respect the human rights to privacy and personal data protection. The implementation of these principles includes a dedication to protecting personal information and privacy, and this may have an impact on data processing operations throughout the

whole data life cycle. The application of legal principles relating to the processing of personal data may have a direct impact on sustainability, which is strongly backed by the growing need for data processing for societal well-being.

The concept of decent labor may be criticized for its political background, relatively restrictive definition, and the lack of defined obligations and duties for putting it into practice. A growing number of people are engaging in new forms of modern slavery, such as working without benefits and informally, creating serious new obstacles for the promotion and realization of the decent work concept. Other issues include the imbalance between free time and working activity, disregard for the right to be disconnected from the employer, and changes in subordination at work. In order to address these disparities in the labor market and during working lives, more concrete responses and novel policies are currently needed. Sustainable work must become a generally accepted notion that is backed by law, protected, and enforced through public policies, labor legislation, and best practices at the corporate level in order to give decent employment possibilities for everyone in the new world of work.

Sustainability and private law

The issue of long-term agency is also discussed, with the authors coming to the same legal conclusions as if the agent had actual authority – namely that perceived authority is sufficient. The most long-lasting norms, ensuring harmony between the interests of the parties involved in such intricate relationships, are provided by legal systems that allow for the application of apparent authority to both the principal and a third party. Some legal systems interpret the principal's obligation to indemnify the third party for the loss suffered to be the full extent of the content of ostensible authority. In the event of apparent authority, the affected third party should be given the option to select the appropriate remedy. The third party should be able to make a reasonable decision between utilizing this concept and suing the falsus procurator for damages if the prerequisites of apparent authority are met in their specific case. Both the primary and the third party must be able to assert apparent authority in order for it to be used.

The modern corporate world is also committed to sustainability ideals. The inclusion of sustainability clauses in business contracts should be seen as a departure from the standard principles of contract law. The relational and social contract law theories more fundamentally diverge in their approaches to contract terms, purposes, privacy, and negative repercussions for non-compliance with sustainability clauses. Accordingly, this diversity raises the possibility of challenges in enforcing legal instruments based on the theory of classical contract law. As sustainability duties become more commonplace in business contracts, they will have a greater influence on contract regulation through instruments developed by most modern national legal systems and soft law standards such as the UNIDROIT Principles, PECL, and DCFR. Contractual requirements pertaining to sustainability are rarely part of the fundamental goals of a contract. In most cases, only express contract terms stating that a breach of sustainability contractual obligations will be considered to be a material breach of contract will guarantee, at least to some extent, that non-compliance will be qualified as significant non-compliance, as long as sustainability contractual obligations are incidental. There is

no reason to presume that the current customs and practices of contract parties have progressed to the point where sustainability objectives can be considered a universally accepted custom and established business practice.

According to Lithuanian experience, the function of product quality assurance in promoting sustainable consumption is discussed. In Lithuania, consumers for a long time had the flexibility to select the appropriate remedy for a breach of their rights – as long as it did not violate the proportionality principle, considering the case law of the court of cassation. The court must determine in each individual case whether the consumer's desire to exercise the right of contract termination is permissible after finding a violation of the consumer's right to have the goods correspond to the quality requirements. The consumer is no longer free to select the appropriate course of action for the infringement of their rights; instead, they must adhere to the two-step legal process for enforcing their rights. In accordance with case law, the court or non-judicial authority hearing the dispute must evaluate the specific factual circumstances of the reasonable time and the serious inconvenience caused to the consumer in each case, and then make a reasonable determination as to whether the consumer's right to quality assurance has been properly exercised.

Businesses typically adhere to methods that prioritize shareholders by driving up share values, as seen in the outlook for corporate sustainability in general and in the issue of shareholder activism in particular. In this regard, the discussion surrounding shareholder activism has regained prominence, with many arguing that businesses should instead balance the interests of all stakeholders, including creditors, employees, customers, and the general public, as opposed to their sole goal being to increase the individual interests of shareholders. The shareholder structures of organizations are now influenced by contemporary consumer culture, or so-called consumerism. Whether they are shareholders or consumers, today's stockholders are involved in this because they view their shares as disposable. Shareholders are currently behaving like customers when purchasing a share, even though they are essentially entities that should be viewed as investors or traders. Shareholder approximation has the power to influence and change a company's investment preferences. In particular, the environmental preferences of shareholders are likely to inspire corporations to use incentives to encourage more ethical and sustainable activities.

The new Lithuanian legal rules on remote shareholder participation in general meetings as adopted in November 2022 had sufficiently promptly considered the most problematic issues as far as they related to inclusive shareholder participation and have dealt with the shareholder's attendance and voting at the general meetings by electronic means in a balanced way. Although there is some space for improvement, in overall, the new legal rules by minimising challenges that shareholders can face in light of the judicial approach endorsing protection of collective interest over the interest of the particular shareholder when decisions of general meeting are challenged on the procedural grounds should contribute to more inclusive shareholder engagement in private companies.

Regarding reorganization in Ukraine, it is possible to put an end to an economic organization using a manner that calls for the existence of certain regulations aimed at ensuring the proper implementation of the transparency of this phenomenon in all of its manifestations. The provisions of part 1 of Article 107 of the Ukrainian Civil Code, which aim to protect the interests of creditors, are found to have resulted from the private law method of regulation, which places the private interests of a particular group of creditors ahead of public interests (via the creation of legal condi-

tions for the effective enlargement of national commodity producers as a competitive link in the economy – not only in domestic but also in foreign markets). In the Law of Ukraine on Joint-Stock Companies, the possibilities exist to (1) file a lawsuit regarding the cancellation of a decision about reorganization and (2) file a lawsuit on the nullity of a reorganization procedure in order to increase the effectiveness of the protection of both private and public interests during the reorganization of economic entities, in particular joint-stock companies. In light of the aforementioned, it is essential to reconsider methods for comprehending reconstruction as an economic and legal phenomenon, its socioeconomic core, and the achievement of its goals in order to revitalize the reorganization process based on European perspectives and foreign laws. Such legislative improvements will help the reform of Ukraine's legal regulation evolve in a sustainable way.

Moreover, the 2030 Sustainable Development Agenda highlights the importance of fairness for global progress. The awareness that numerous avenues to justice is the most significant advance in the ongoing access to justice campaign. ADR procedures can be utilized to accomplish justice and peacefully resolve conflicts outside of state courts. Recent study shows that many countries have a justice gap, exposing unjust civil justice restrictions for regular people. Specific solutions must address personal, jurisdictional, temporal, financial, procedural, and practical hurdles to justice. Creating UN-level instruments to measure civil justice access is crucial. Thus, ADR growth is essential for "justice for everyone". However, the sustainable development goal of justice for all should not be limited to procedural justice. Substantial justice matters. The former is an unrestricted opportunity to apply to the court, have a case heard in court, receive a court decision, and have it executed, while the latter includes not only the possibility of initiating proceedings in court but also the trial results, which should be evaluated according to established standards.

Transformation of criminal law in the context of sustainability

Because of the abstract nature of the consequences in both the EU's Directive on this issue and the Lithuanian Civil Code, case law tends to narrowly construe the nature of environmental damage, limiting the scope of criminal culpability. The case law requires an economic assessment of both the environmental threat and the environmental harm, but the financial magnitude of the damage is no longer a deciding factor in the seriousness of the criminal charges. Non-custodial penalties are prioritized in Lithuania's sentencing guidelines under Article 270 of the Criminal Code, and fines are almost non-existent. The overall findings of this study show that Lithuania has implemented the provisions of the Directive, both in terms of making the activities specified by the Directive illegal and of the penalties associated with such violations. However, it is also worth noting that in actual Lithuanian case law, administrative (in terms of criminalization) and civil (in terms of sanctions) liability takes precedence over criminal liability.

It is concluded that concerns sustainable criminalization that the principle of criminal law subsidiarity means that the legal measures of this branch of law are supplementary to the regulation of other branches of law. Compliance with this principle in criminal legislation is a necessary condi-

tion for ensuring the sustainability of the legal regulatory system and its compatibility with criminalization. In terms of the principle of the independence of subsidiarity from other principles limiting criminalization, as well as its applicability and significance in legislation, the provision that criminalizing norms must be harmonized with the regulation of other branches of law and must not create any competitive legal protection is the most productive and methodologically significant aspect.

The analysis of the decriminalization of small-quantity drug possession and the long-term reduction of drug consumption reveals that various studies offer contradictory arguments for decriminalizing small-quantity drug possession for non-distribution purposes. There are no solid grounds to argue unequivocally that such acts must be decriminalized until the proportion of drug users in the state reaches a critical threshold, at which point the criminalization of such acts becomes inappropriate due to their high prevalence. The use of narcotic drugs has a negative impact on both the individual and society. The decriminalization of small amounts of drugs for non-distribution purposes does not solve the problem of reducing drug use. Decriminalization benefits organized crime by increasing the number of users and improving opportunities for the drug trade. The research findings and the arguments of both supporters and opponents of criminalization do not support the conclusion that decriminalizing the illegal possession of small amounts of drugs for non-distribution purposes is a long-term solution that reduces drug consumption, threats, and harm to society and the environment. The decision to criminalize or decriminalize the illicit possession of narcotic drugs for non-distribution purposes is not solely based on research.

On the subject of accessible and sustainable criminal justice, it is concluded that the right of people with disabilities to access justice and its implementation should be regarded as an important factor in the long-term development of society. This chapter assumes that, due to the uniqueness of criminal proceedings, the functional approach model, with appropriate adjustments, should be applied to the issue of the fitness to stand trial of a defendant with a mental disability and of a person who has committed a criminal offence while insane. The criteria of intellect and will are included in the content of fitness to stand trial for both a mentally disabled defendant and a person who has committed a criminal offence while insane. The intellect criterion determines a person's ability to comprehend the nature and significance of an offense, as well as their procedural position. The will criterion determines a person's ability to independently exercise their procedural rights and obligations. The overall idea is that having the capacity to understand the process is not enough for a person with a mental disability; the defendant must also be able to participate effectively in the process. These procedural rights can only be limited or denied if the case data shows that the person's mental state prevents them from exercising their rights in-person for an extended period of time, rendering the person's participation meaningless. Courts must provide reasons for their decision to limit an accused person's right to participate in court, and they cannot rely solely on the opinions of medical experts.

The EU's vulnerability researcher protection policies and laws are inconsistent. A researcher's legal protection includes vulnerability research, discovery, reporting, and recognition rights and obligations. Vulnerability reporters have two opposing rights: to be acknowledged and to remain anonymous. Each country's policy protects these rights differently. In countries where a national CERT acts as a mediator, they are usually guaranteed, but in Member States where vulnerability

reporting is contractual, they may be limited. With the NIS 2 Directive's adoption, reporters' anonymity will be guaranteed by law in each Member State's implementing acts. Due to the potential risks of such a stimulating effect, some countries with CVD policies recognize the right to compensation. Only a minority of researchers see remuneration as the main incentive, even though bug bounty programs are growing.

Avoiding criminal liability requires acting in good faith, defined in some jurisdictions, and following national or organization CVD policy. Even in countries with national CVD policies, the list of prohibited activities after discovering a vulnerability differs. Even though the Cybercrime Directive harmonizes national cybercrime laws with the EU, diverging national case-law will affect the subjective element of any possible crime. National CERTs also act as intermediaries, but not always. The new NIS 2 Directive requires Member States to nominate their CSIRTs as trusted intermediaries between reporting researchers and entities providing ICT services likely to be affected by vulnerabilities, harmonizing their approaches.

Only four Member States have guaranteed (legislatively or practically) that researchers will not face negative consequences (including criminal liability) if they follow the strict national policy or CVD policies of different organizations. Establishing a clause in criminal law or another legal act or requiring the manufacturer to sign a vulnerability disclosure agreement are the main ways to avoid criminal responsibility. Researchers are exposed to a variety of manufacturer policies because vulnerability disclosure is unregulated in many Member States. This does not encourage vulnerability disclosure, but it reduces the risk of criminal liability for vulnerability researchers. This risk is higher in countries without these policies, and the vulnerability researcher's status is unknown.

The EU's decade-old legal regulation encouraging Members States to provide legal detection and reporting of security gaps has not ensured a common approach to security researchers' guarantees. Since the EU has started harmonizing legal regulation in this area by introducing common definitions, incriminations, and sanctions, it would be reasonable to include a specific provision requiring Member States to define the conditions under which identifying and disclosing vulnerabilities will not result in incrimination. The Cybercrime Directive should be revised to harmonize criminal law provisions and provide security researchers with a common exemption from criminal liability.

Sustainability in action: examples and experiences of sustainability from the legal point of view

The sustainable development principle is widely accepted in spatial planning, as can be seen in the part of this chapter that considers its implementation in zoning and planning legislation. While there are worldwide guidelines for sustainable development, it is ultimately up to individual nations to determine their own plans of action. As of 2014, the Spatial Planning Law of the Republic of Lithuania includes the sustainable development principle. Without any direction or the need to establish indicators for the measurement of the efficacy of specific measures, city planners are left with the challenging task of implementing certain legal standards to ensure sustainable growth.

Measures to reduce the effects of climate change are prominently included in the present master plan for the expansion of the city of Vilnius. Measures to strengthen green areas; measures to reduce greenhouse gas emissions; and measures to promote the use of renewable energy sources are the three main groups of sustainable development measures to mitigate climate change and ensure sustainability that emerge from an evaluation of the specific measures mentioned in this paper. The only place in Lithuania where sustainable development is supported by soft legislation is the capital city.

The future of the electric car market is currently not definitively defined due to competition from alternative vehicle technologies, uncertainty regarding the development of the technical parameters of electric cars, and costs for electric car users, according to an analysis of the problem of the sustainable legal regulation of electric vehicle infrastructure. In Lithuania, consumers can receive financial assistance when they purchase an electric vehicle; however, the amount of this assistance, as well as the sources from which it can be received, vary widely. The safe and responsible manufacturing of batteries is the biggest challenge faced by the electric transportation industry. While electric motors have a minimal impact on the environment, battery production and especially recycling can be harmful. Better battery technology is essential for the broad adoption of electric vehicles. One of the most important aspects of the ability of Europe's automotive industry to remain competitive is the continent's commitment to the long-term sustainability of both battery production and research and development.

As for the connections between sustainability and electrification in the EU and in the Lithuanian regulatory framework, the goals set out for the electrification of the transport sector and the total usage of electrical vehicles in the transport fleet in Lithuania have not yet been fully implemented. The electric vehicle industry risks failing to reduce atmospheric emission rates and producing negative consequences for the environment and public health if the predicted results set out in the regulatory framework for the full implementation of the electrification of the sustainable transport sector fall short of the target requirements. While it is commendable and entirely reasonable to work toward improving national energy independence, the goals set out in 2005 have not yet been attained. Value-based, sociocultural models of behavior creation and habit change have not been modified for development. Sustainability law typically mandates a concentration on monetary and fiscal policy choices that keep levels of consumption, wealth, and influence stable. As making such judgments would have long-term ramifications for the establishment and maintenance of the concepts of power, money, and authority, economics, finance, income, power, and influence continue to take precedence. Even in the context of globally important goals such as managing climate change, profit, power, and influence remain key factors when looking at decision-making for sustainability.

This chapter also declares that the scope of the waste management sector under the IPCC Guidelines is narrower than under the Waste Framework Directive, because some greenhouse gas (GHG) emissions from waste management activities are not included, or are only partially included, in the waste sector under the IPCC Guidelines. The amount of GHG emissions would be higher if all emissions from the waste management sector, as defined by the Waste Framework Directive, were accounted for under the IPCC Guidelines. As a result, ostensibly: no significant changes in the waste management legal framework are required; no additional measures are required to manage waste at the highest possible levels in the waste hierarchy; and no additional measures to begin waste manage-

ment in a more sustainable, sound manner are necessary. In fact, the opposite is true. The path to reducing GHG emissions from waste management, as defined by the Waste Framework Directive and in the context of climate neutrality, has two directions. One strategy is to promote waste management activities at the highest levels of the waste hierarchy, because such activities are directly related to GHG emission reductions – for example, generating less waste and reusing and recycling as much as possible. The second step is to improve waste management activities as defined by the Waste Framework Directive, keeping in mind the concepts of sustainability and sustainable development. It is necessary to incorporate measures into legal regulation to reduce GHG emissions from the waste management sector, as defined by the IPCC Guidelines as well as the Waste Framework Directive.

The advancement of sustainability is also linked to the advancement of finance and technology. The concept of planet, people, and profit; the understanding of growth without growth and economic boundaries; the transition from short-term to long-term shared values; and the necessity of internalizing ESG externalities all form the foundation of a paradigm and mindset shift for a more sustainable future. This transition is possible with toolkits and advice based on system thinking and simulation, and the role of education for sustainability managers and leaders thus grows significantly. Sustainability courses will aim to educate managers through a broad multidisciplinary and interdisciplinary upskilling and reskilling approach. Sustainable ecosystems and platforms incorporate all aspects of regulation, financial mechanisms, and modern technological trends in order to select strategic priorities to address existential threats and act across multiple sectors and geopolitical arenas. Mapping reworks ESG data inputs into pieces of advice to produce UN SDG No. 17 as an output. This helps to bridge the gap between law, finance, and technology, as well as accelerate the transition from silos to systems. Stakeholders prefer metrics on their dashboards to pursue intermediate and long-term goals, and middle and low-income countries can adapt ecosystems and platforms to meet specific needs.

On the role of lawyers in future pandemic and war response regulation, it is concluded that by advancing the concept of human dignity in legal reasoning, the legal profession may play a greater role in sustainable development in light of the challenges posed by the COVID-19 pandemic and Russia's all-out war in Ukraine. Combating impunity for the most heinous war crimes and crimes against humanity, as well as protecting war victims and ensuring their human dignity, will contribute to the achievement of UN SDG No. 16. The first SDG, "No Poverty," makes an equally compelling case for human dignity. The connection to current legal practice, which has addressed this issue, responds to the current debate regarding how the welfare society and poverty are related, and whether poverty diminishes human dignity. SDG No. 13 – "Climate Action" – encourages lawyers to challenge assumptions that some people are less human and are excluded from real humanity in comparison to others. This goal encompasses a fight against the anthropocene and the dictates of necropolitics. Legal decolonization methods, the promotion of equality and diversity, and legal protection against discrimination all contribute to the fight against colonial thought. Ignoring these legal considerations will obviously not help to achieve SDG No. 10. – "Reduced Inequalities." Lawyers must find ways to communicate legally while restoring true solidarity in order to maintain their commitment to core legal values and meanings.

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