



Ympäristösääntely, markkinat ja yritystoiminta

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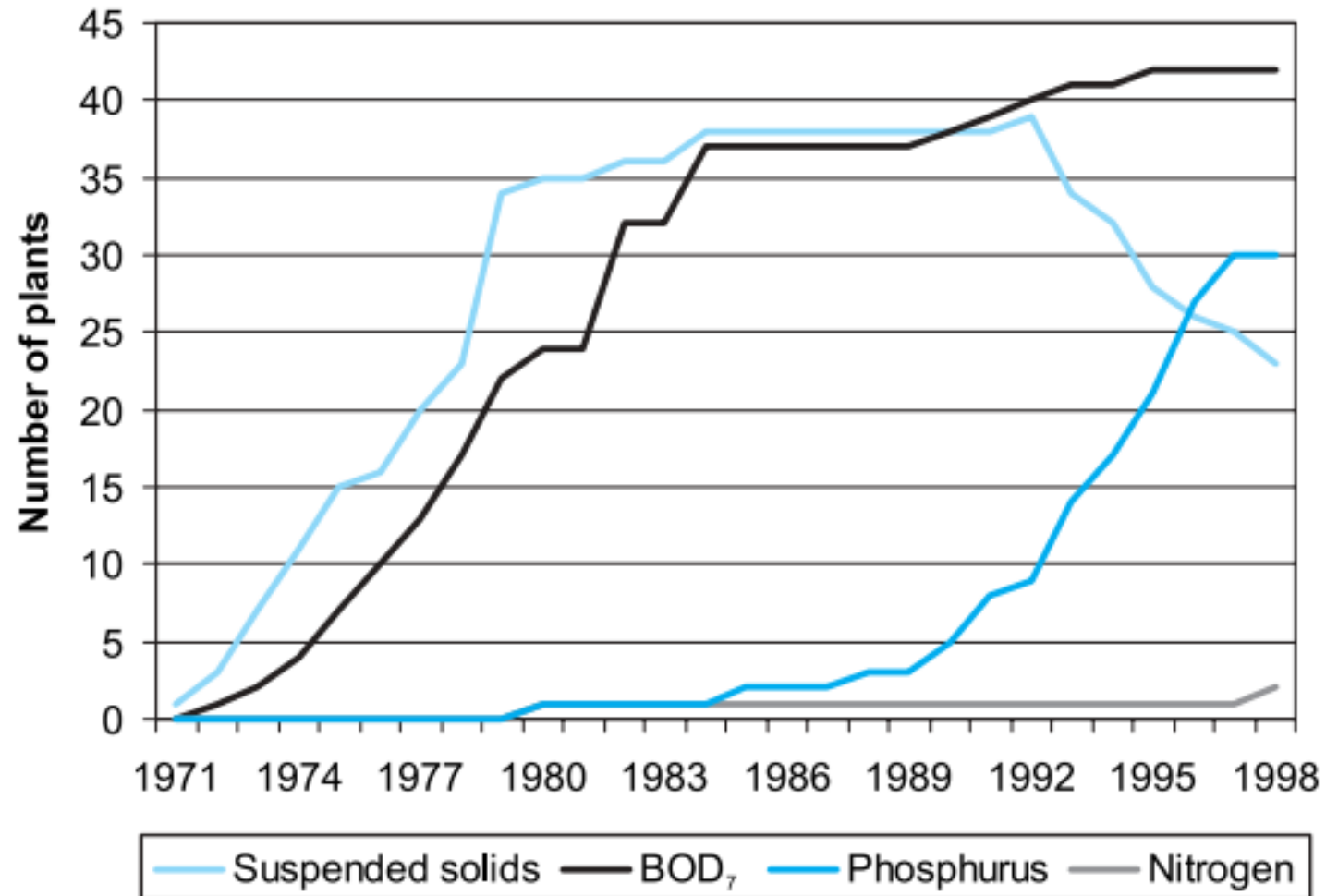
Esityksen sisältö

Tarkastelen ympäristöoikeuden ja yritysvastuun suhdetta ympäristöoikeuden 3-portaisen evoluution kautta

Evoluutio, osa 1: Modernin ympäristöoikeuden synty

- ”Ympäristöherääminen” 1960-1970 taitteessa
- Keskeinen murhe: Suurten teollisuuslaitosten ja taajamien aiheuttama vesien pilaantuminen
- Suhde markkinoihin: Ympäristövaikutukset ovat ulkoisvaikutuksia, joille markkinat eivät aseta hinta => valtio-interventio
- Aikaisempi sääntely vajavaista: lupaehdot laadullisia (’ajanmukainen tekniikka’)
- Sääntely-innovaatio: mittavissa olevat lupamääräykset

Lupamääräysten käyttöönotto massa- ja paperiteollisuudessa



Oikeudellis-hallinnollisen ohjauksen kritiikki

Taloustieteellinen kritiikki

- Kustannustehottomuus
- Ympäristösäätelyr konservatiivisuus (säätelyn tulee olla mahdollistaa liiket myös kotimaisen ...).
- Innovaatiot (teknologian kehitys)
- Technology forcing menestyksellisiä

POLLUTION REGULATION AND ITS
EFFECTS ON TECHNOLOGICAL
INNOVATIONS*

REGULATING
INDUSTRIAL POLLUTION

The Case of Finland

JUKKA SIMILÄ

...nt type of policy instruments in the
criticised on the basis that they hamper
ical argument against a policy instru-
as in technology³ it will be difficult to
tection in the future. The problem will
use easy solutions have already been used
chnology is either not known or too expens-
the use of coercive power. However, the

Evoluutio, osa 2

- Markkinamekanismin tehokas käyttö on avain ongelmien ratkaisuun
- Ohjauskeinojen monipuolistaminen
- Taloudelliset keinot
- Vapaaehtoiset keinot

Regulatory Reform of the Finnish Environmental Policy. Making the EIA-law, CO2.taxation and voluntary agreements



Files

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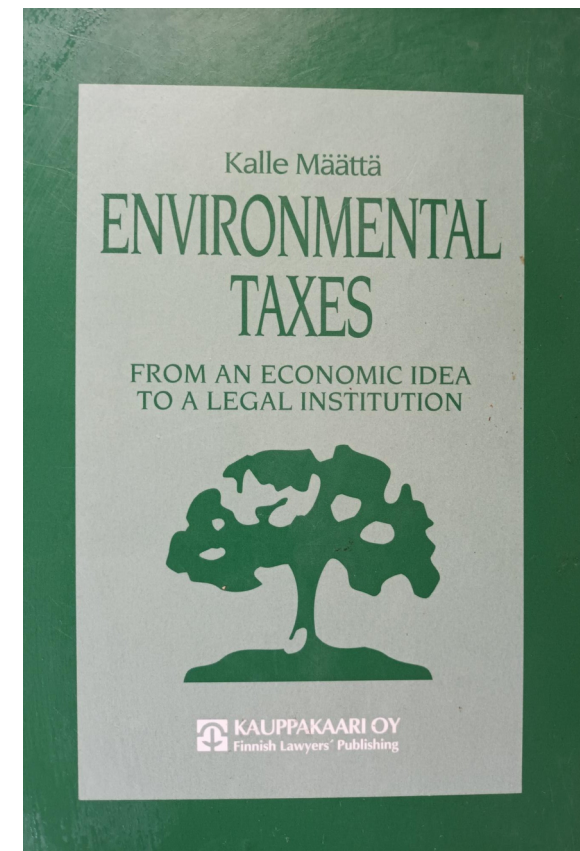
Author

Sairinen, Rauno

Abstract

During last two decades, a regulatory reform has been taking place in European environmental policy. This means that several kinds of new policy instruments, such as economic instruments, new planning tools and voluntary approaches, have been taken into use. In this study, there is asked how the regulatory reform has emerged in Finland. How the new instruments have been choosed, designed and used and what kind of political, administrative and ideological factors have effected the development of these instruments? The research task is divided into four more specific research tasks: 1) The design of the theoretical framework

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Ympäristö ongelmien oikeudellisen hallinnan vajavaisuus ei poistunut

- ... vaikka esim. EU:n päästökauppa (2005) on ollut menestys
- Suoran sääntelyn ja taloudellisten kannustimien yhdistelmäkään ei pysty
 - ohjaamaan esim. globaalien vaikutusten (toimitusketjut) huomioon ottamiseen taikka
 - tukemaan riittävästi talouden rakenteellista muuttumista (ilmastomuutoksen & luontokadon aiheuttama eksistentiaalinen haaste)
 - ohjaamaan kaikkia yritysten valintoja
- Ympäristöhallinnan kannalta olennaista ei ole vain se miten ympäristösääntely toimii, vaan se miten oikeusjärjestys kokonaisuudessaan toimii

Evoluutio, osa 3: Ympäristö osana markkinasääntelyä

- Ympäristönäkökohtia sisällytetty markkinoiden toiminnan kannalta keskeisiin sääntely-alueisiin, joiden historiallinen ja edelleen ensisijainen tavoite on muu kuin

Transnational sustainability laws and the regulation of global value chains: comparison and a framework for analysis

Jaakko Salminen* and Mikko Rajavuori**

Abstract

Several corporate disclosure and due diligence laws related to the social and environmental impacts of globalized production have been enacted across the world over the last decade. While the emergence, operation and impact of such 'transnational sustainability laws' have already been extensively analysed, their legal operability remains poorly understood. This is a significant omission because transnational sustainability laws form a novel and increasingly important attempt to conceptualize and govern the new logic of global production networks—global value chains—and their regulatory infrastructure. Against this backdrop, this article deploys a comparison of eleven recent transnational sustainability laws and develops an analytical framework to probe legally-operative conceptualizations of global value chains. By analysing how transnational sustainability laws conceptualize the value chain, the lead firm and adequate value chain governance, we argue, these instruments emerge as proxies for a legally-operative framework that better delineates the emerging law of global value chains. Thus, our analysis contributes to growing literature on the potential and limits of transnational sustainability laws as well as to the development of nascent 'global value chain law'.

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ARTICLE

Journal of European Competition Law & Practice, 2022, Vol. 13, No. 5

Article

Competition Law and Sustainability: EU and National Perspectives

Jurgita Malinauskaite*

Climate change is the crisis of our time affecting every country on every continent. In light of the European Green Deal, 'sustainability and competition law' is currently one of the most debated topics in the EU. Therefore, this paper explores the interaction between competition law and sustainability in the EU placing this debate in an historical context embracing both competition law 'as a shield' and 'as a sword' approaches. Even though the European Commission seems to signal its intention

Key Points

- In light of the European Green Deal, the European Commission has signalled its intention towards more sustainability friendly competition law practice.
- The National Competition Authorities are trailblazing their own sustainability agendas: the paper identified five assertive national proposals demonstrating a willingness to incorporate sustainability into law enforcement.
- From a legal standpoint, a more differentiated approach is needed as different approaches in isolation create legal uncertainty for businesses.

Promoting Systemic Collaboration for Sustainable Innovation through Intellectual Property Rights

Jakko Siltaloppi, Rosa Ballardini

Faculty of Law, Technology and Design Thinking

Research output: Contribution to journal › Article › Scientific › peer-review

Overview Fingerprint Projects (2)

Abstract

Sustainability transitions call for new forms of collaboration supported by proper regulatory structures that enable multiple actors across sectoral boundaries to contribute to a system-level change towards more sustainable production and consumption practices. This paper integrates innovation research with intellectual property law to explore how such a systemic collaboration for sustainable innovation should be characterised, and how the intellectual property rights (IPR) system could be shaped to support it. First, we analyse existing research on open innovation and IPR and point to limitations in their applicability to systemic transitions for sustainability. Second, drawing on innovation ecosystems research, we outline a model of systemic collaboration for sustainable innovation, which highlights the co-specialisation of heterogeneous actors around system-specific alignment structures as the basis of the creation of system-level sustainability-improving solutions. Third, we analyse the limitations of the current IPR system vis-à-vis this type of systemic collaboration model and develop novel insights into how IPR could be shaped and leveraged to support systemic sustainable innovation.

Lopuksi

- Ympäristösääntelyn kehitys kostuu useista kerroksista
 - uusia kerroksia tarvitaan, kun ymp.ongelmia ei ole saatu ratkaistuja
 - myös menestystarinoita: järvien tila, yläilmakehän otsonikerros
 - sääntelyn vajavaisuuteen useita selittäviä tekijöitä (tiedon lisääntyminen, tuotannon- ja kulutuksen järjestelmien muutos)
 - aikaisempia kerroksia virtaviivaistetaan, mutta ne eivät katoa
- Yritysvastuusääntely on osa sääntelyn kehityksen vaihetta, jossa ympäristönäkohtia integroidaan markkinatalouden kannalta keskeisiin sääntelyn alueisiin, joiden ensisijainen tehtävä ei ole ympäristönsuojelu

Kiitoksia kuuntelemisesta!

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